

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) [20 U.S.C. 2301 note] Short Title.—This Act may be cited as the “Strengthening Career
3 and Technical Education for the 21st Century Act~~Carl D. Perkins Career and Technical~~
4 ~~Education Act of 2006~~”.

5 (b) Table of Contents.—The table of contents for this Act is as follows:

6 Sec.1.Short title; table of contents.

7 Sec.2.Purpose.

8 Sec.3.Definitions.

9 Sec.4.Transition provisions.

10 Sec.5.Privacy.

11 Sec.6.Limitation.

12 Sec.7.Special rule.

13 Sec.8.Prohibitions.

14 Sec.9.Authorization of appropriations.

15 TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO
16 THE STATES

17 PART A—Allotment and Allocation

18 Sec.111.Reservations and State allotment.

19 Sec.112.Within State allocation.

20 Sec.113.Accountability.

21 Sec.114.National activities.

22 Sec.115.Assistance for the outlying areas.

23 Sec.116.Native American programs.

24 Sec.117.Tribally controlled postsecondary career and technical institutions.

25 ~~Sec.118.Occupational and employment information.~~

26 PART B—State Provisions

27 Sec.121.State administration.

28 Sec.122.State plan.

29 Sec.123.Improvement plans.

30 Sec.124.State leadership activities.

31 PART C—Local Provisions

32 Sec.131.Distribution of funds to secondary education programs.

- 1 Sec.132.Distribution of funds for postsecondary education programs.
2 Sec.133.Special rules for career and technical education.
3 Sec.134.Local application plan for career and technical education programs.
4 Sec.135.Local uses of funds.

5 ~~TITLE II—TECH PREP EDUCATION~~

6 ~~Sec.201.State allotment and application.~~

7 ~~Sec.202.Consolidation of funds.~~

8 ~~Sec.203.Tech prep program.~~

9 ~~Sec.204.Consortium applications.~~

10 ~~Sec.205.Report.~~

11 ~~Sec.206.Authorization of appropriations.~~

12 TITLE III—GENERAL PROVISIONS

13 PART A—Federal Administrative Provisions

14 Sec.~~211311~~.Fiscal requirements.

15 Sec.~~212312~~.Authority to make payments.

16 Sec.~~213313~~.Construction.

17 Sec.~~214314~~.Voluntary selection and participation.

18 Sec.~~215315~~.Limitation for certain students.

19 Sec.~~216316~~.Federal laws guaranteeing civil rights.

20 Sec.~~217317~~.Participation of private school personnel and children.

21 Sec.~~218318~~.Limitation on Federal regulations.

22 Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.

23 PART B—State Administrative Provisions

24 Sec.~~221321~~.Joint funding.

25 Sec.~~222322~~.Prohibition on use of funds to induce out-of-state relocation of businesses.

26 Sec.~~223323~~.State administrative costs.

27 Sec.~~224324~~.Student assistance and other Federal programs.

28
29 **SEC. 2. [20 U.S.C. 2301] PURPOSE.**

30 The purpose of this Act is to develop more fully the academic knowledge and technical and
31 employability~~career and technical~~ skills of secondary education students and postsecondary
32 education students who elect to enroll in career and technical education programs and programs
33 of study, by—

1 (1) building on the efforts of States and localities to develop challenging academic and
2 technical standards and to assist students in meeting such standards, including preparation
3 for high skill, high wage, or ~~high-in-~~demand occupations in current or emerging
4 professions;

5 (2) promoting the development of services and activities that integrate rigorous and
6 challenging academic and career and technical instruction, and that link secondary
7 education and postsecondary education for participating career and technical education
8 students;

9 (3) increasing State and local flexibility in providing services and activities designed to
10 develop, implement, and improve career and technical education, ~~including tech prep~~
11 ~~education~~;

12 (4) conducting and disseminating national research and disseminating information on best
13 practices that improve career and technical education programs and programs of study,
14 services, and activities;

15 (5) providing technical assistance that—

16 (A) promotes leadership, initial preparation, and professional development at the
17 State and local levels; and

18 (B) improves the quality of career and technical education teachers, faculty,
19 administrators, and counselors;

20 (6) supporting partnerships among secondary schools, postsecondary institutions,
21 baccalaureate degree granting institutions, area career and technical education schools,
22 local workforce investment boards, business and industry, and intermediaries; ~~and~~

23 (7) providing individuals with opportunities throughout their lifetimes to develop, in
24 conjunction with other education and training programs, the knowledge and skills needed
25 to keep the United States competitive; ~~and~~

26 (8) increasing the employment opportunities for populations who are chronically
27 unemployed or underemployed, including individuals with disabilities, individuals from
28 economically disadvantaged families, out-of-workforce individuals, youth who are in, or
29 have aged out of, the foster care system, and homeless individuals.

31 SEC. 3. [20 U.S.C. 2302] DEFINITIONS.

32 Unless otherwise specified, in this Act:

33 (1) Administration.—The term “administration”, when used with respect to an eligible
34 agency or eligible recipient, means activities necessary for the proper and efficient
35 performance of the eligible agency or eligible recipient’s duties under this Act, including
36 the supervision of such activities. Such term does not include curriculum development
37 activities, personnel development, or research activities.

38 (2) All aspects of an industry.—The term “all aspects of an industry” means strong
39 experience in, and comprehensive understanding of, the industry that the individual is
40 preparing to enter, ~~including information as described in section 118.~~

1 (3) Area career and technical education school.—The term “area career and technical
2 education school” means—

3 (A) a specialized public secondary school used exclusively or principally for the
4 provision of career and technical education to individuals who are available for study
5 in preparation for entering the labor market;

6 (B) the department of a public secondary school exclusively or principally used for
7 providing career and technical education in not fewer than 3 different fields that are
8 available to all students, especially in high-skill, high-wage, or in-demand industry
9 sectors or occupations ~~5 different occupational fields to individuals who are available~~
10 ~~for study in preparation for entering the labor market;~~

11 (C) a public or nonprofit technical institution or career and technical education school
12 used exclusively or principally for the provision of career and technical education to
13 individuals who have completed or left secondary school and who are available for
14 study in preparation for entering the labor market, if the institution or school admits,
15 as regular students, individuals who have completed secondary school and individuals
16 who have left secondary school; or

17 (D) the department or division of an institution of higher education, that operates
18 under the policies of the eligible agency and that provides career and technical
19 education in not fewer than 35 different occupational fields leading to immediate
20 employment but not necessarily leading to a baccalaureate degree, if the department
21 or division admits, as regular students, both individuals who have completed
22 secondary school and individuals who have left secondary school.

23 (4) Articulation agreement.—The term “articulation agreement” means a written
24 commitment—

25 (A) that is agreed upon at the State level or approved annually by the lead
26 administrators of—

27 (i) a secondary institution and a postsecondary educational institution; or

28 (ii) a subbaccalaureate degree granting postsecondary educational institution and
29 a baccalaureate degree granting postsecondary educational institution; and

30 (B) to a program that is—

31 (i) designed to provide students with a nonduplicative sequence of progressive
32 achievement leading to technical skill proficiency, a credential, a certificate, or a
33 degree; and

34 (ii) linked through credit transfer agreements between the 2 institutions described
35 in clause (i) or (ii) of subparagraph (A) (as the case may be).

36 (5) Career and technical education.—The term “career and technical education” means
37 organized educational activities that—

38 (A) offer a sequence of courses that—

39 (i) provides individuals with rigorous academic content and relevant technical
40 knowledge and skills needed to prepare for further education and careers in

1 current or emerging professions, which may include high-skill, high-wage, or in-
2 demand industry sectors or occupations, which shall be, at the secondary level,
3 aligned with the challenging State academic standards adopted by a State under
4 section 1111(b)(1) of the Elementary and Secondary Education Act of
5 1965; provides individuals with coherent and rigorous content aligned with
6 challenging academic standards and relevant technical knowledge and skills
7 needed to prepare for further education and careers in current or emerging
8 professions;

9 (ii) provides technical skill proficiency or a recognized postsecondary credential,
10 which may include an industry-recognized credential, a certificate, or an associate
11 degree, an industry-recognized credential, a certificate, or an associate degree;
12 and

13 (iii) may include prerequisite courses (other than a remedial course) that meet the
14 requirements of this subparagraph; ~~and~~

15 (B) include competency-based, work-based, or other applied learning that ~~contributes~~
16 ~~to supports the development of the~~ academic knowledge, higher-order reasoning and
17 problem-solving skills, work attitudes, ~~general~~ employability skills, technical skills,
18 and occupation-specific skills, and knowledge of all aspects of an industry, including
19 entrepreneurship, of an individual-;

20 (C) to the extent practicable, coordinate between secondary and postsecondary
21 education programs through programs of study, which may include coordination
22 through articulation agreements, early college high school programs, dual or
23 concurrent enrollment program opportunities, or other credit transfer agreements that
24 provide postsecondary credit or advanced standing; and

25 (D) may include career exploration at the high school level or as early as the middle
26 grades (as such term is defined in section 8101 of the Elementary and Secondary
27 Education Act of 1965).

28 (6) Career and technical student organization.—

29 (A) In general.—The term “career and technical student organization” means an
30 organization for individuals enrolled in a career and technical education program that
31 engages in career and technical education activities as an integral part of the
32 instructional program.

33 (B) State and national units.—An organization described in subparagraph (A) may
34 have State and national units that aggregate the work and purposes of instruction in
35 career and technical education at the local level.

36 (7) Career guidance and academic counseling.—The term “career guidance and academic
37 counseling” means guidance and counseling that—

38 (A) provides access for students (and, as appropriate, parents and out-of-school youth;
39 as appropriate) to information regarding career awareness exploration opportunities
40 and planning with respect to an individual’s occupational and academic future; ~~and~~

41 (B) provides information to students (and, as appropriate, parents and out-of-school
42 youth) with respect to career options, financial aid, job training, secondary and

1 postsecondary options (including associate and baccalaureate degree programs), dual
2 or concurrent enrollment programs, work-based learning opportunities, early college
3 high schools, financial literacy, and support services, as appropriate; and

4 (C) may provide assistance for special populations with respect to direct support
5 services that enable students to persist in and complete career and technical
6 education, programs of study, or career pathways.

7 (8) Career pathways.—The term ‘career pathways’ has the meaning given the term in
8 section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

9 (98) Charter school.—The term “charter school” has the meaning given the term in
10 section 4310 of the Elementary and Secondary Education Act of 1965.

11 (109) Cooperative education.—The term “cooperative education” means a method of
12 education for individuals who, through written cooperative arrangements between a
13 school and employers, receive instruction, including required rigorous and challenging
14 academic courses and related career and technical education instruction, by alternation of
15 study in school with a job in any occupational field, which alternation—

16 (A) shall be planned and supervised by the school and employer so that each
17 contributes to the education and employability of the individual; and

18 (B) may include an arrangement in which work periods and school attendance may be
19 on alternate half days, full days, weeks, or other periods of time in fulfilling the
20 cooperative program.

21 ~~(10) Displaced homemaker.—The term “displaced homemaker” means an individual~~
22 ~~who—~~

23 ~~(A)(i) has worked primarily without remuneration to care for a home and family, and~~
24 ~~for that reason has diminished marketable skills;~~

25 ~~(ii) has been dependent on the income of another family member but is no longer~~
26 ~~supported by that income; or~~

27 ~~(iii) is a parent whose youngest dependent child will become ineligible to receive~~
28 ~~assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et~~
29 ~~seq.) not later than 2 years after the date on which the parent applies for assistance~~
30 ~~under such title; and~~

31 ~~(B) is unemployed or underemployed and is experiencing difficulty in obtaining or~~
32 ~~upgrading employment.~~

33 (11) Credit transfer agreement.—The term ‘credit transfer agreement’ means a formal
34 agreement, such as an articulation agreement, among and between secondary and
35 postsecondary education institutions or systems that grant students transcribed
36 postsecondary credit, which may include credit granted to students in dual or concurrent
37 enrollment programs, early college high school, dual credit, articulated credit, and credit
38 granted on the basis of performance on technical or academic assessments.

39 (12) CTE concentrator.—The term ‘CTE concentrator’ means—

40 (A) at the secondary school level, a student served by an eligible recipient who has

1 completed at least 2 courses in a single career and technical education program or
2 program of study; and

3 (B) at the postsecondary level, a student enrolled in an eligible recipient who has—

4 (i) earned at least 12 credits within a career and technical education program or
5 program of study; or

6 (ii) completed such a program if the program encompasses fewer than 12 credits
7 or the equivalent in total.

8 (13) CTE participant.—The term ‘CTE participant’ means an individual who completes
9 not less than one course in a career and technical education program or program of study
10 of an eligible recipient.

11 (14) Director.—The term ‘Director’ means the Director of the Institute of Education
12 Sciences.

13 (15) Dual or concurrent enrollment program.—The term ‘dual or concurrent enrollment
14 program’ has the meaning given the term in section 8101 of the Elementary and
15 Secondary Education Act of 1965.

16 (16) Early college high school.—The term ‘early college high school’ has the meaning
17 given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

18 (1744) Educational service agency.—The term “educational service agency” has the
19 meaning given the term in section 8101 of the Elementary and Secondary Education Act
20 of 1965.

21 (1842) Eligible agency.—The term “eligible agency” means a State board designated or
22 created consistent with State law as the sole State agency responsible for the
23 administration of career and technical education in the State or for the supervision of the
24 administration of career and technical education in the State.

25 (19) Eligible entity.—The term ‘eligible entity’ means a consortium that includes the
26 following:

27 (A) Representatives of not less than 2 of the following categories of entities, 1 of
28 which shall serve as the fiscal agent for the consortium:

29 (i) A local educational agency or a consortium of such agencies.

30 (ii) An educational service agency serving secondary school students.

31 (iii) An area career and technical education school or a consortium of such
32 schools.

33 (iv) An Indian Tribe, Tribal organization, or Tribal education agency.

34 (v) An institution of higher education whose most common degree awarded is an
35 associate degree, or a consortium of such institutions.

36 (vi) An institution of higher education whose most common degree awarded is a
37 bachelor's or higher degree, or a consortium of such institutions.

38 (vii) A state educational agency.

1 (B) One or more business or industry representative partners, which may include
2 representatives of local or regional businesses or industries, including industry or
3 sector partnerships in the local area, local workforce development boards, or labor
4 organizations.

5 (C) One or more stakeholders, which may include —

6 (i) parents and students;

7 (ii) representatives of local agencies serving out-of-school youth, homeless
8 children and youth, and at-risk youth (as defined in section 1432 of the
9 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

10 (iii) representatives of Indian tribes and Tribal organizations, where applicable;

11 (iv) representatives of minority serving institutions (as described in paragraphs (1)
12 through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C.
13 1067q(a)), where applicable;

14 (v) representatives of special populations;

15 (vi) representative of adult career and technical education providers; or

16 (vii) other relevant community stakeholders.

17 (2013) Eligible institution.—The term “eligible institution” means—

18 (A) a consortium of 2 or more of the entities described in subparagraphs (B) through
19 (F);

20 (B) a public or nonprofit private institution of higher education that offers and will
21 use funds provided under this title in support of career and technical education
22 courses that lead to technical skill proficiency or a recognized postsecondary
23 credential, including an industry-recognized credential, a certificate, or an associate
24 degree;

25 (C) a local educational agency providing education at the postsecondary level;

26 (D) an area career and technical education school providing education at the
27 postsecondary level;

28 (E) an Indian Tribe, Tribal organization, or Tribal education agency that operates a
29 school or may be present in the State;

30 (F) a postsecondary educational institution controlled by the Bureau of Indian
31 Education or operated by or on behalf of any Indian Tribe that is eligible to contract
32 with the Secretary of the Interior for the administration of programs under the Indian
33 Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Act
34 of April 16, 1934 (25 U.S.C. 5342 et seq.);

35 (G) a tribally controlled college or university; or

36 (H) an educational service agency.

37 ~~(A) a public or nonprofit private institution of higher education that offers career and~~
38 ~~technical education courses that lead to technical skill proficiency, an industry-~~
39 ~~recognized credential, a certificate, or a degree;~~

1 ~~(B) a local educational agency providing education at the postsecondary level;~~

2 ~~(C) an area career and technical education school providing education at the~~
3 ~~postsecondary level;~~

4 ~~(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs~~
5 ~~or operated by or on behalf of any Indian tribe that is eligible to contract with the~~
6 ~~Secretary of the Interior for the administration of programs under the Indian Self-~~
7 ~~Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of~~
8 ~~April 16, 1934 (25 U.S.C. 452 et seq.);~~

9 ~~(E) an educational service agency; or~~

10 ~~(F) a consortium of 2 or more of the entities described in subparagraphs (A) through~~
11 ~~(E).~~

12 (2144) Eligible recipient.—The term “eligible recipient” means—

13 (A) a local educational agency (including a public charter school that operates as a
14 local educational agency), an area career and technical education school, an
15 educational service agency, an Indian Tribe, Tribal organization, or Tribal educational
16 agency or a consortium, eligible to receive assistance under section 131; or

17 (B) an eligible institution or consortium of eligible institutions eligible to receive
18 assistance under section 132.

19 (22) English learner.—The term ‘English learner’ means—

20 (A) a secondary school student who is an English learner, as defined in section 8101
21 of the Elementary and Secondary Education Act of 1965; or

22 (B) an adult or an out-of-school youth who has limited ability in speaking, reading,
23 writing, or understanding the English language and—

24 (i) whose native language is a language other than English; or

25 (ii) who lives in a family environment or community in which a language other
26 than English is the dominant language.

27 (23) Evidence-based.—The term ‘evidence-based’ has the meaning given the term in
28 section 8101(21)(A) of the Elementary and Secondary Education Act of 1965.

29 (2445) Governor.—The term “Governor” means the chief executive officer of a State.

30 (25) High school.—The term ‘high school’ has the meaning given the term in section
31 8101 of the Elementary and Secondary Education Act of 1965.

32 (26) In-demand industry sector or occupation.—The term ‘in-demand industry sector or
33 occupation’ has the meaning given the term in section 3 of the Workforce Innovation and
34 Opportunity Act (29 U.S.C. 3102).

35 ~~(16) Individual with limited english proficiency.~~—The term “individual with limited
36 ~~English proficiency” means a secondary school student, an adult, or an out-of-school~~
37 ~~youth, who has limited ability in speaking, reading, writing, or understanding the English~~
38 ~~language, and—~~

39 ~~(A) whose native language is a language other than English; or~~

1 (B) who lives in a family or community environment in which a language other than
2 English is the dominant language.

3 (27) Indian; Indian Tribe.— The terms ‘Indian’ and ‘Indian Tribe’ have the meanings
4 given the terms ‘Indian’ and ‘Indian tribe’, respectively, in section 4 of the Indian Self-
5 Determination and Education Assistance Act (25 U.S.C. 5304).

6 (2847) Individual with a disability.—

7 (A) In general.—The term “individual with a disability” means an individual with any
8 disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12102)).

10 (B) Individuals with disabilities.—The term “individuals with disabilities” means
11 more than 1 individual with a disability.

12 (29) Industry or sector partnership.—The term ‘industry or sector partnership’ has the
13 meaning given the term in section 3 of the Workforce Innovation and Opportunity Act
14 (29 U.S.C. 3102).

15 (3048) Institution of higher education.—The term “institution of higher education” has
16 the meaning given the term in section 101 of the Higher Education Act of 1965.

17 (3149) Local educational agency.—The term “local educational agency” has the meaning
18 given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

19 (32) Local workforce development board.—The term ‘local workforce development
20 board’ means a local workforce development board established under section 107 of the
21 Workforce Innovation and Opportunity Act (29 U.S.C. 3122).

22 (3320) Non-traditional fields.—The term “non-traditional fields” means occupations or
23 fields of work, ~~such as including~~ careers in computer science, technology, and other
24 current and emerging high skill occupations, for which individuals from one gender
25 comprise less than 25 percent of the individuals employed in each such occupation or
26 field of work.

27 (3424) Outlying area.—The term “outlying area” means the United States Virgin Islands,
28 Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the
29 Republic of Palau.

30 (35) Out-of-school youth.—The term ‘out-of-school youth’ has the meaning given the
31 term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

32 (36) Out-of-workforce individual.—The term ‘out-of-workforce individual’ means—

33 (A) an individual who is a displaced homemaker, as defined in section 3 of the
34 Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

35 (B) an individual who—

36 (i) (I) has worked primarily without remuneration to care for a home and family,
37 and for that reason has diminished marketable skills; or

38 (II) is a parent whose youngest dependent child will become ineligible to
39 receive assistance under part A of title IV of the Social Security Act (42
40 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent

1 applies for assistance under such title; and

2 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining
3 or upgrading employment.

4 (37) Paraprofessional.—The term ‘paraprofessional’ has the meaning given the term in
5 section 8101 of the Elementary and Secondary Education Act of 1965.

6 (38) Pay for success initiative:

7 (A) In General.—Subject to subparagraph (B), the term ‘pay for success initiative’
8 means a performance-based grant, contract, or cooperative agreement awarded by a
9 State or local public entity (such as a local educational agency) to a public or private
10 non-profit entity—

11 (i) in which a commitment is made to pay for improved outcomes that result in
12 increased public value and social benefit to students and the public sector, such as
13 improved student outcomes as evidenced by the indicators of performance
14 described in section 113(b)(2) and direct cost savings or cost avoidance to the
15 public sector; and

16 (ii) that includes—

17 (I) a feasibility study on the initiative describing how the proposed
18 intervention is based on evidence of effectiveness;

19 (II) a rigorous, third-party evaluation that uses experimental or quasi-
20 experimental design or other research methodologies that allow for the
21 strongest possible causal inferences to determine whether the initiative has
22 met its proposed outcomes;

23 (III) an annual, publicly available report on the progress of the initiative; and

24 (IV) a requirement that payments are made to the recipient of a grant,
25 contract, or cooperative agreement only when agreed upon outcomes are
26 achieved, except that the entity may make payments to the third party
27 conducting the evaluation described in subparagraph (II).

28 (B) Exclusion. —The term ‘pay for success initiative’ does not include any initiative
29 that—

30 (i) reduces the special education or related services that a student would otherwise
31 receive under the Individuals with Disabilities Education Act; or

32 (ii) otherwise reduces the rights of a student or the obligations of an entity under
33 the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973
34 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C.
35 12101 et seq.), or any other law.

36 (3922) Postsecondary educational institution.—The term “postsecondary educational
37 institution” means—

38 (A) an institution of higher education that provides not less than a 2-year program of
39 instruction that is acceptable for credit toward a bachelor’s degree;

40 (B) a tribally controlled college or university; or

1 (C) a nonprofit educational institution offering certificate or other skilled training
2 apprenticeship programs at the postsecondary level.

3 (40) Professional development.—The term ‘professional development’ means activities
4 that—

5 (A) are an integral part of eligible agency, eligible recipient, institution, or school
6 strategies for providing educators (including teachers, principals, other school leaders,
7 administrators, specialized instructional support personnel, career guidance and
8 academic counselors, and paraprofessionals) with the knowledge and skills necessary
9 to enable students to succeed in career and technical education, to meet challenging
10 State academic standards under section 1111(b)(1) of the Elementary and Secondary
11 Education Act, or to achieve academic skills at the postsecondary levels; and

12 (B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive,
13 collaborative, job-embedded, data-driven, and classroom-focused, to the extent
14 practicable evidence-based, and may include activities that—

15 (i) improve and increase educators’—

16 (I) knowledge of the academic and technical subjects;

17 (II) understanding of how students learn; and

18 (III) ability to analyze student work and achievement from multiple sources,
19 including how to adjust instructional strategies, assessments, and materials
20 based on such analysis;

21 (ii) are an integral part of eligible recipients’ improvement plans;

22 (iii) allow personalized plans for each educator to address the educator’s specific
23 needs identified in observation or other feedback;

24 (iv) support the recruitment, hiring, and training of effective educators, including
25 educators who became certified through State and local alternative routes to
26 certification;

27 (v) advance educator understanding of—

28 (I) effective instructional strategies that are evidence-based; and

29 (II) strategies for improving student academic and technical achievement or
30 substantially increasing the knowledge and teaching skills of educators;

31 (vi) are developed with extensive participation of educators, parents, students, and
32 representatives of Indian Tribes (as applicable), of schools and institutions served
33 under this Act;

34 (vii) are designed to give educators of students who are English learners in career
35 and technical education programs or programs of study the knowledge and skills
36 to provide instruction and appropriate language and academic support services to
37 those students, including the appropriate use of curricula and assessments;

38 (viii) as a whole, are regularly evaluated for their impact on increased educator
39 effectiveness and improved student academic and technical achievement, with the
40 findings of the evaluation used to improve the quality of professional

1 development;

2 (ix) are designed to give educators of individuals with disabilities in career and
3 technical education programs or programs of study the knowledge and skills to
4 provide instruction and academic support services to those individuals, including
5 positive behavioral interventions and supports, multi-tier system of supports, and
6 use of accommodations;

7 (x) include instruction in the use of data and assessments to inform and instruct
8 classroom practice;

9 (xi) include instruction in ways that educators may work more effectively with
10 parents and families;

11 (xii) provide follow-up training to educators who have participated in activities
12 described in this paragraph that are designed to ensure that the knowledge and
13 skills learned by the educators are implemented in the classroom;

14 (xiii) promote the integration of academic knowledge and skills and relevant
15 technical knowledge and skills, including programming jointly delivered to
16 academic and career and technical education teachers; or

17 (xiv) increase the ability of educators providing career and technical education
18 instruction to stay current with industry standards.

19 (41) Program of study.—The term ‘program of study’ means a coordinated,
20 nonduplicative sequence of academic and technical content at the secondary and
21 postsecondary level that—

22 (A) incorporates challenging State academic standards, including those adopted by a
23 State under section 1111(b)(1) of the Elementary and Secondary Education Act of
24 1965;

25 (B) addresses both academic and technical knowledge and skills, including
26 employability skills;

27 (C) is aligned with the needs of industries in the economy of the State, region, Tribal
28 community, or local area;

29 (D) progresses in specificity (beginning with all aspects of an industry or career
30 cluster and leading to more occupation-specific instruction);

31 (E) has multiple entry and exit points that incorporate credentialing; and

32 (F) culminates in the attainment of a recognized postsecondary credential.

33 (42) Qualified intermediary.—The term ‘qualified intermediary’ means a nonprofit
34 entity, which may be part of an industry or sector partnership, that demonstrates expertise
35 in building, connecting, sustaining, and measuring partnerships with entities such as
36 employers, schools, community-based organizations, postsecondary institutions, social
37 service organizations, economic development organizations, Indian tribes or Tribal
38 organizations, and workforce systems to broker services, resources, and supports to youth
39 and the organizations and systems that are designed to serve youth, including—

40 (A) connecting employers to classrooms;

1 (B) assisting in the design and implementation of career and technical education
2 programs and programs of study;

3 (C) delivering professional development;

4 (D) connecting students to internships and other work-based learning opportunities;
5 and

6 (E) developing personalized student supports.

7 (43) Recognized postsecondary credential.—The term ‘recognized postsecondary
8 credential’ has the meaning given the term in section 3 of the Workforce Innovation and
9 Opportunity Act (29 U.S.C. 3102).

10 ~~(23) Postsecondary education tech prep student.—The term “postsecondary education~~
11 ~~tech prep student” means a student who—~~

12 ~~(A) has completed the secondary education component of a tech prep program; and~~

13 ~~(B) has enrolled in the postsecondary education component of a tech prep program at~~
14 ~~an institution of higher education described in clause (i) or (ii) of section~~
15 ~~203(a)(1)(B).~~

16 ~~(24) School dropout.—The term “school dropout” means an individual who is no longer~~
17 ~~attending any school and who has not received a secondary school diploma or its~~
18 ~~recognized equivalent.~~

19 ~~(25) Scientifically based research.—The term “scientifically based research” means~~
20 ~~research that is carried out using scientifically based research standards, as defined in~~
21 ~~section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).~~

22 ~~(26) Secondary education tech prep student.—The term “secondary education tech prep~~
23 ~~student” means a secondary education student who has enrolled in 2 courses in the~~
24 ~~secondary education component of a tech prep program.~~

25 ~~(4427) Secondary school.—The term “secondary school” has the meaning given the term~~
26 ~~in section 8101 of the Elementary and Secondary Education Act of 1965.~~

27 ~~(4528) Secretary.—The term “Secretary” means the Secretary of Education.~~

28 (46) Specialized instructional support personnel.—The term ‘specialized instructional
29 support personnel’ has the meaning given the term in section 8101 of the Elementary and
30 Secondary Education Act of 1965.

31 (47) Specialized instructional support services.—The term ‘specialized instructional
32 support services’ has the meaning given the term in section 8101 of the Elementary and
33 Secondary Education Act of 1965.

34 ~~(4829) Special populations.—The term “special populations” means—~~

35 ~~(A) individuals with disabilities;~~

36 ~~(B) individuals from economically disadvantaged families, including low-income~~
37 ~~youth and adults ~~foster children~~;~~

38 ~~(C) individuals preparing for non-traditional fields;~~

- 1 (D) single parents, including single pregnant women;
- 2 (E) ~~out-of-workforce individuals displaced homemakers; and~~
- 3 (F) ~~English learners individuals with limited English proficiency;~~
- 4 (G) homeless individuals described in section 725 of the McKinney-Vento Homeless
- 5 Assistance Act (42 U.S.C. 11434a);
- 6 (H) youth who are in, or have aged out of, the foster care system; and
- 7 (I) youth with a parent who—
 - 8 (i) is a member of the armed forces (as such term is defined in section 101(a)(4)
 - 9 of title 10, United States Code); and
 - 10 (ii) is on active duty (as such term is defined in section 101(d)(1) of such title).

11 ~~(4930)~~ State.—The term “State”, unless otherwise specified, means each of the several
 12 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico,
 13 and each outlying area.

14 ~~(5034)~~ Support services.—The term “support services” means services related to
 15 curriculum modification, equipment modification, classroom modification, supportive
 16 personnel (including paraprofessionals and specialized instructional support personnel),
 17 and instructional aids and devices.

18 ~~(32) Tech prep program.—The term “tech prep program” means a tech prep program~~
 19 ~~described in section 203(e).~~

20 ~~(5133)~~ Tribally controlled college or university.—The term “tribally controlled college or
 21 university” has the meaning given the term in section 2(a) of the Tribally Controlled
 22 Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)).

23 ~~(5234)~~ Tribally controlled postsecondary career and technical institution.—The term
 24 “tribally controlled postsecondary career and technical institution” means an institution of
 25 higher education (as defined in section 101 of the Higher Education Act of 1965, except
 26 that subsection (a)(2) of such section shall not be applicable and the reference to
 27 Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of
 28 the Interior) that—

- 29 (A) is formally controlled, or has been formally sanctioned or chartered, by the
- 30 governing body of an Indian ~~T~~tribe or Indian ~~T~~tribes;
- 31 (B) offers a technical degree or certificate granting program;
- 32 (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- 33 (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that
- 34 fosters individual Indian economic and self-sufficiency opportunity, including
- 35 programs that are appropriate to stated ~~T~~tribal goals of developing individual
- 36 entrepreneurs and self-sustaining economic infrastructures on reservations or
- 37 tribal lands;
- 38 (E) has been in operation for at least 3 years;
- 39 (F) holds accreditation with or is a candidate for accreditation by a nationally

1 recognized accrediting authority for postsecondary career and technical education;
2 and

3 (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority
4 are Indians.

5 (53) Tribal organization.—The term ‘Tribal organization’ has the meaning given the term
6 ‘tribal organization’ in section 4 of the Indian Self-Determination and Education
7 Assistance Act (25 U.S.C. 5304).

8 (54) Universal design for learning.—The term ‘universal design for learning’ has the
9 meaning given the term in section 8101 of the Elementary and Secondary Education Act
10 of 1965.

11 (55) Work-based learning.—The term ‘work-based learning’ means sustained
12 interactions with industry or community professionals in real workplace settings, to the
13 extent practicable, or simulated environments at an educational institution that foster in-
14 depth, first-hand engagement with the tasks required of a given career field, that are
15 aligned to curriculum and instruction.

17 SEC. 4. [20 U.S.C. 2303] TRANSITION PROVISIONS.

18 The Secretary shall take such steps as ~~are necessary the Secretary determines to be appropriate~~ to
19 provide for the orderly transition to the authority of this Act (as amended by the Strengthening
20 Career and Technical Education for the 21st Century Act ~~Carl D. Perkins Career and Technical~~
21 ~~Education Improvement Act of 2006~~) from any authority under the provisions of the Carl D.
22 Perkins Vocational and Technical Education Act of ~~1998~~2006, as in effect on the day before the
23 date of enactment of the Strengthening Career and Technical Education for the 21st Century
24 ~~Act~~Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Secretary
25 shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year
26 following the date of enactment of the Strengthening Career and Technical Education for the 21st
27 Century Act~~Carl D. Perkins Career and Technical Education Improvement Act of 2006~~.

29 SEC. 5. [20 U.S.C. 2304] PRIVACY.

30 (a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections
31 afforded parents and students under section 444 of the General Education Provisions Act (20
32 U.S.C. 1232g).

33 (b) Prohibition on Development of National Database.—Nothing in this Act shall be
34 construed to permit the development of a national database of personally identifiable
35 information on individuals receiving services under this Act.

37 SEC. 6. [20 U.S.C. 2305] LIMITATION.

38 All of the funds made available under this Act shall be used in accordance with the requirements
39 of this Act.

1
2 **SEC. 7. [20 U.S.C. 2306] SPECIAL RULE.**

3 In the case of a local community in which no employees are represented by a labor organization,
4 for purposes of this Act, the term “representatives of employees” shall be substituted for “labor
5 organization”.

6
7 **SEC. 8. [20 U.S.C. 2306a] PROHIBITIONS.**

8 (a) Local Control.—Nothing in this Act shall be construed to authorize an officer or
9 employee of the Federal Government =

10 (1) to condition or incentivize the receipt of any grant, contract, or cooperative
11 agreement, or the receipt of any priority or preference under such grant, contract, or
12 cooperative agreement, upon a State, local educational agency, eligible agency, eligible
13 recipient, eligible entity, or school’s adoption or implementation of specific instructional
14 content, academic standards and assessments, curricula, or program of instruction
15 (including any condition, priority, or preference to adopt the Common Core State
16 Standards developed under the Common Core State Standards Initiative, any other
17 academic standards common to a significant number of States, or any assessment,
18 instructional content, or curriculum aligned to such standards);

19 (2) through grants, contracts, or other cooperative agreements, to mandate, direct, or
20 control a State, local educational agency, eligible agency, eligible recipient, eligible
21 entity, or school’s specific instructional content, academic standards and assessments,
22 curricula, or program of instruction (including any requirement, direction, or mandate to
23 adopt the Common Core State Standards developed under the Common Core State
24 Standards Initiative, any other academic standards common to a significant number of
25 States, or any assessment, instructional content, or curriculum aligned to such standards);
26 or

27 (3) except as required under sections 112(b), 211(b), and 223—

28 (A) to mandate, direct, or control the allocation of State or local resources; or

29 (B) to mandate that a State or a political subdivision of a State spend any funds or
30 incur any costs not paid for under this Act.

31 ~~to mandate, direct, or control a State, local educational agency, or school’s~~
32 ~~curriculum, program of instruction, or allocation of State or local resources, or~~
33 ~~mandate a State or any subdivision thereof to spend any funds or incur any costs not~~
34 ~~paid for under this Act, except as required under sections 112(b), 311(b), and 323.~~

35 (b) No Preclusion of Other Assistance.—Any State that declines to submit an application to
36 the Secretary for assistance under this Act shall not be precluded from applying for assistance
37 under any other program administered by the Secretary.

38 (c) Prohibition on Requiring Federal Approval or Certification of Standards.—
39 Notwithstanding any other provision of Federal law, no State shall be required to have
40 academic and career and technical content standards or student academic and career and

1 technical achievement standards approved or certified by the Federal Government, in order to
2 receive assistance under this Act.

3 (d) Rule of Construction.—Nothing in this section affects the applicability of subchapter II
4 of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the
5 “Administrative Procedure Act”) or chapter 8 of title 5, United States Code, commonly
6 known as the “Congressional Review Act”).~~Nothing in this section shall be construed to~~
7 ~~affect the requirements under section 113.~~

8 (e) Coherent and Rigorous Content.—For the purposes of this Act, coherent and rigorous
9 content shall be determined by the State consistent with section 1111(b)(1) of the Elementary
10 and Secondary Education Act of 1965.

11 (f) Congressional Notice and Comment.—

12 (1) Notice to Congress.—Not less than 15 business days prior to issuing a notice of
13 proposed rulemaking related to this Act in the Federal Register, the Secretary shall
14 provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the
15 Committee on Education and the Workforce of the House of Representatives, and other
16 relevant congressional committees, notice of the Secretary’s intent to issue a notice of
17 proposed rulemaking that shall include—

18 (A) a copy of the proposed regulation;

19 (B) the need to issue the regulation;

20 (C) a description of how the regulation is consistent with the scope of this Act;

21 (D) the anticipated burden (including the time, cost, and paperwork burden) the
22 regulation will impose on an eligible agency, institution, or recipient that may be
23 impacted by the regulation, including the potential impact on rural areas;

24 (E) the anticipated benefits to an eligible agency, institution, or recipient that may be
25 impacted by the regulation, including in rural areas; and

26 (F) any regulations that will be repealed when the new regulation is issued.

27 (2) Comment period for Congress.—The Secretary shall—

28 (A) before issuing any notice of proposed rulemaking under this subsection, provide
29 Congress with a comment period of 15 business days to make comments on the
30 proposed regulation, beginning on the date that the Secretary provides the notice of
31 intent to the appropriate committees of Congress under paragraph (1); and

32 (B) include and seek to address all comments submitted by members of Congress in
33 the public rulemaking record for the regulation published in the Federal Register.

34 (3) Comment and review period; emergency situations.—The comment and review
35 period for any proposed regulation shall be not less than 60 days unless an emergency
36 requires a shorter period, in which case the Secretary shall—

37 (A) designate the proposed regulation as an emergency with an explanation of the
38 emergency in the notice to Congress under paragraph (1);

39 (B) publish the length of the comment and review period in such notice and in the
40 Federal Register; and

1 (C) conduct immediately thereafter regional meetings to review such proposed
2 regulation before issuing any final regulation.

3
4 **SEC. 9. [20 U.S.C. 2307] AUTHORIZATION OF**
5 **APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out this Act (other than sections 114 and 117) –

7 (1) \$1,229,568,538 for fiscal year 2019;

8 (2) \$1,246,782,498 for fiscal year 2020;

9 (3) \$1,264,237,452 for fiscal year 2021;

10 (4) \$1,281,936,777 for fiscal year 2022;

11 (5) \$1,299,883,892 for fiscal year 2023; and

12 (6) \$1,318,082,266 for fiscal year 2024.

13 ~~There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and~~
14 ~~118, and title II) such sums as may be necessary for each of the fiscal years 2007 through 2012.~~

15
16 **TITLE I—CAREER AND TECHNICAL**
17 **EDUCATION ASSISTANCE TO THE STATES**

18
19 **PART A—ALLOTMENT AND ALLOCATION**

20
21 **SEC. 111. [20 U.S.C. 2321] RESERVATIONS AND STATE**
22 **ALLOTMENT.**

23 (a) Reservations and State Allotment.—

24 (1) Reservations.—From the ~~sum~~ amount appropriated under section 9 for each fiscal
25 year, the Secretary shall reserve—

26 (A) 0.13 percent to carry out section 115; and

27 (B) 1.50 percent to carry out section 116, of which—

28 (i) 1.25 percent of the sum shall be available to carry out section 116(b); and

29 (ii) 0.25 percent of the sum shall be available to carry out section 116(h).

30 (2) Foundational grant.—

31 (A) In general.—From the remainder of the amount appropriated under section 9 and
32 not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State

1 for the fiscal year an amount equal to the amount the State received in fiscal year
2 2018.

3 (B) Ratable reduction.—If for any fiscal year the amount appropriated for allotments
4 under this section is insufficient to satisfy the provisions of subparagraph (A), the
5 payments to all States under such subparagraph shall be ratably reduced.

6 ~~(2) State allotment formula.—Subject to paragraphs (3), (4), and (5), from the remainder~~
7 ~~of the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal~~
8 ~~year, the Secretary shall allot to a State for the fiscal year—~~

9 (3) Additional funds.—Subject to paragraph (4), from the additional funds remaining
10 from the amount appropriated under section 9 and not expended under paragraphs (1) and
11 (2) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

12 (A) an amount that bears the same ratio to 50 percent of the sum being allotted as the
13 product of the population aged 15 to 19, inclusive, in the State in the fiscal year
14 preceding the fiscal year for which the determination is made and the State's
15 allotment ratio bears to the sum of the corresponding products for all the States;

16 (B) an amount that bears the same ratio to 20 percent of the sum being allotted as the
17 product of the population aged 20 to 24, inclusive, in the State in the fiscal year
18 preceding the fiscal year for which the determination is made and the State's
19 allotment ratio bears to the sum of the corresponding products for all the States;

20 (C) an amount that bears the same ratio to 15 percent of the sum being allotted as the
21 product of the population aged 25 to 65, inclusive, in the State in the fiscal year
22 preceding the fiscal year for which the determination is made and the State's
23 allotment ratio bears to the sum of the corresponding products for all the States; and

24 (D) an amount that bears the same ratio to 15 percent of the sum being allotted as the
25 amounts allotted to the State under subparagraphs (A), (B), and (C) for such years
26 bears to the sum of the amounts allotted to all the States under subparagraphs (A),
27 (B), and (C) for such year.

28 ~~(3) Minimum allotment for years with no additional funds.—~~

29 ~~(A) In general.—Notwithstanding any other provision of law and subject to~~
30 ~~subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no~~
31 ~~additional funds (as such term is defined in paragraph (4)(D)), no State shall receive~~
32 ~~for such fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount~~
33 ~~appropriated under section 9 and not reserved under paragraph (1) for such fiscal~~
34 ~~year. Amounts necessary for increasing such payments to States to comply with the~~
35 ~~preceding sentence shall be obtained by ratably reducing the amounts to be paid to~~
36 ~~other States.~~

37 ~~(B) Requirement.—No State, by reason of the application of subparagraph (A), shall~~
38 ~~receive for a fiscal year more than 150 percent of the amount the State received under~~
39 ~~this subsection for the preceding fiscal year.~~

40 ~~(C) Special rule.—~~

41 ~~(i) In general.—Subject to paragraph (5), no State, by reason of the application of~~

1 ~~subparagraph (A), shall be allotted for a fiscal year more than the lesser of—~~

2 ~~(I) 150 percent of the amount that the State received in the preceding fiscal~~
3 ~~year; and~~

4 ~~(II) the amount calculated under clause (ii).~~

5 ~~(ii) Amount.—The amount calculated under this clause shall be determined by~~
6 ~~multiplying—~~

7 ~~(I) the number of individuals in the State counted under paragraph (2) in the~~
8 ~~preceding fiscal year; by~~

9 ~~(II) 150 percent of the national average per pupil payment made with funds~~
10 ~~available under this section for that year.~~

11 (4) Minimum allotment for years with additional funds.—

12 (A) In general.—Subject to subparagraph (B) ~~and paragraph (5)~~, for a fiscal year for
13 which there are additional funds ~~described in paragraph (3)~~, no State shall receive for
14 such fiscal year under ~~this subsection paragraph (3)~~ less than 1/2 of 1 percent of the
15 ~~additional funds available amount appropriated under section 9 and not reserved~~
16 ~~under paragraph (1)~~ for such fiscal year. Amounts necessary for increasing such
17 payments to States to comply with the preceding sentence shall be obtained by ratably
18 reducing the amounts to be paid to other States.

19 (B) Special rule.—In the case of a qualifying State, the minimum allotment under
20 subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

21 (i) 1/2 of 1 percent of the ~~additional funds available amount appropriated under~~
22 ~~section 9 and not reserved under paragraph (1)~~ for such fiscal year; and

23 ~~(ii) the sum of—~~

24 ~~(I) the amount the qualifying State was allotted under paragraph (2) for fiscal~~
25 ~~year 2006 (as such paragraph was in effect on the day before the date of~~
26 ~~enactment of the Carl D. Perkins Career and Technical Education~~
27 ~~Improvement Act of 2006); and~~

28 ~~(ii) the product of—~~

29 ~~(Iaa) 1/3 of the additional funds; multiplied by~~

30 ~~(Iibb) the quotient of—~~

31 ~~(aaAA) the qualifying State's ratio described in subparagraph (C) for the~~
32 ~~fiscal year for which the determination is made; divided by~~

33 ~~(bbBB) the sum of all such ratios for all qualifying States for the fiscal~~
34 ~~year for which the determination is made.~~

35 (C) Ratio.—For purposes of subparagraph (B)(ii)(II)~~(aabb)(AA)~~, the ratio for a
36 qualifying State for a fiscal year shall be 1.00 less the quotient of—

37 (i) the amount the qualifying State ~~is was~~ allotted under paragraph ~~(32)~~ for ~~the~~
38 ~~fiscal year 2006 (as such paragraph was in effect on the day before the date of~~
39 ~~enactment of the Carl D. Perkins Career and Technical Education Improvement~~

1 ~~Act of 2006~~); divided by

2 (ii) 1/2 of 1 percent of the amount appropriated under ~~section 9 paragraph (3) and~~
3 ~~not reserved under paragraph (1)~~ for the fiscal year for which the determination is
4 made.

5 (D) Definitions.—In this paragraph:

6 ~~(i) Additional funds.—The term “additional funds” means the amount by which—~~

7 ~~(I) the sum appropriated under section 9 and not reserved under paragraph (1)~~
8 ~~for a fiscal year; exceeds~~

9 ~~(II) the sum of—~~

10 ~~(aa) the amount allotted under paragraph (2) for fiscal year 2006 (as such~~
11 ~~paragraph (2) was in effect on the day before the date of enactment of the~~
12 ~~Carl D. Perkins Career and Technical Education Improvement Act of~~
13 ~~2006);~~

14 ~~(bb) the amount reserved under paragraph (1)(C) for fiscal year 2006 (as~~
15 ~~such paragraph (1)(C) was so in effect); and~~

16 ~~(cc) \$827,671.~~

17 ~~(ii) Qualifying state.—The term “qualifying State” means a State (except the~~
18 ~~United States Virgin Islands) that, for the fiscal year for which a determination~~
19 ~~under this paragraph is made, would receive, under the allotment formula under~~
20 ~~paragraph (32) (without the application of this paragraph and paragraphs (3) and~~
21 ~~(5)), an amount that would be less than the amount the State would receive under~~
22 ~~subparagraph (A) for such fiscal year.~~

23 ~~(5) Hold harmless.—~~

24 ~~(A) In general.—No State shall receive an allotment under this section for a fiscal~~
25 ~~year that is less than the allotment the State received under part A of title I of the Carl~~
26 ~~D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et~~
27 ~~seq.) (as such part was in effect on the day before the date of enactment of the Carl D.~~
28 ~~Perkins Vocational and Applied Technology Education Amendments of 1998) for~~
29 ~~fiscal year 1998.~~

30 ~~(B) Ratable reduction.—If for any fiscal year the amount appropriated for allotments~~
31 ~~under this section is insufficient to satisfy the provisions of subparagraph (A), the~~
32 ~~payments to all States under such subparagraph shall be ratably reduced.~~

33 (b) Reallotment.—If the Secretary determines that any amount of any State’s allotment under
34 subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the
35 activities for which such amount has been allotted, the Secretary shall make such amount
36 available for reallotment. Any such reallotment among other States shall occur on such dates
37 during the same year as the Secretary shall fix, and shall be made on the basis of criteria
38 established by regulation. No funds may be reallotted for any use other than the use for
39 which the funds were appropriated. Any amount reallotted to a State under this subsection for
40 any fiscal year shall remain available for obligation during the succeeding fiscal year and
41 shall be deemed to be part of the State’s allotment for the year in which the amount is

1 obligated.

2 (c) Allotment ratio.—

3 (1) In general.—The allotment ratio for any State shall be 1.00 less the product of—

4 (A) 0.50; and

5 (B) the quotient obtained by dividing the per capita income for the State by the per
6 capita income for all the States (exclusive of the Commonwealth of Puerto Rico and
7 the United States Virgin Islands), except that—

8 (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

9 (ii) the allotment ratio for the Commonwealth of Puerto Rico and the United
10 States Virgin Islands shall be 0.60.

11 (2) Promulgation.—The allotment ratios shall be promulgated by the Secretary for each
12 fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal
13 year for which the determination is made. Allotment ratios shall be computed on the basis
14 of the average of the appropriate per capita incomes for the 3 most recent consecutive
15 fiscal years for which satisfactory data are available.

16 (3) Definition of per capita income.—For the purpose of this section, the term “per capita
17 income” means, with respect to a fiscal year, the total personal income in the calendar
18 year ending in such year, divided by the population of the area concerned in such year.

19 (4) Population determination.—For the purposes of this section, population shall be
20 determined by the Secretary on the basis of the latest estimates available to the
21 Department of Education.

22 (d) Definition of State.—For the purpose of this section, the term “State” means each of the
23 several States of the United States, the District of Columbia, the Commonwealth of Puerto
24 Rico, and the United States Virgin Islands.

25 26 SEC. 112. [20 U.S.C. 2322] WITHIN STATE ALLOCATION.

27 (a) In General.—From the amount allotted to each State under section 111 for a fiscal year,
28 the eligible agency shall make available—

29 (1) not less than 85 percent for distribution under section 131 or 132, of which not more
30 than ~~15~~10 percent of the 85 percent may be used in accordance with subsection (c);

31 (2) not more than 10 percent to carry out State leadership activities described in section
32 124, of which—

33 (A) an amount equal to not more than ~~2~~4 percent of the amount allotted to the State
34 under section 111 for the fiscal year shall be made available to serve individuals in
35 State institutions, such as State correctional institutions, juvenile justice facilities, and
36 educational institutions that serve individuals with disabilities; ~~and~~

37 (B) not less than \$60,000 and not more than \$150,000 shall be available for services
38 that prepare individuals for non-traditional fields; and

1 (C) an amount shall be made available for the recruitment of special populations to
2 enroll in career and technical education programs, which shall be not less than the
3 lesser of—

4 (i) an amount equal to 0.1 percent; or

5 (ii) \$50,000; and

6 (3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for
7 administration of the State plan, which may be used for the costs of—

8 (A) developing the State plan;

9 (B) reviewing ~~local applications~~ a local plan;

10 (C) monitoring and evaluating program effectiveness;

11 (D) assuring compliance with all applicable Federal laws;

12 (E) providing technical assistance; and

13 (F) supporting and developing State data systems relevant to the provisions of this
14 Act.

15 (b) Matching Requirement.—Each eligible agency receiving funds made available under
16 subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the
17 funds received under subsection (a)(3).

18 (c) Reserve.—From amounts made available under subsection (a)(1) to carry out this
19 subsection, an eligible agency may award grants to eligible recipients for career and technical
20 education activities described in section 135—

21 (1) in—

22 ~~(A)~~ rural areas;

23 ~~(B)~~ areas with high percentages of CTE concentrators or CTE participants; career
24 and technical education students; and

25 (C) areas with high numbers of CTE concentrators or CTE participants; and

26 ~~(3) areas with high numbers of career and technical education students.~~

27 (D) areas with disparities or gaps in performance as described in section
28 113(b)(3)(C)(ii)(II); and

29 (2) in order to—

30 (A) foster innovation through the identification and promotion of promising and
31 proven career and technical education programs, practices, and strategies, which may
32 include programs, practices, and strategies that prepare individuals for nontraditional
33 fields; or

34 (B) promote the development, implementation, and adoption of programs of study or
35 career pathways aligned with State-identified high-skill, high-wage, or in-demand
36 occupations or industries.

37

1 SEC. 113. [20 U.S.C. 2323] ACCOUNTABILITY.

2 (a) Purpose.—The purpose of this section is to establish and support State and local
3 performance accountability systems, comprised of the activities described in this section, to
4 assess the effectiveness of the State and the eligible recipients of the State in achieving
5 statewide progress in career and technical education, and to optimize the return of investment
6 of Federal funds in career and technical education activities.

7 (b) State Determined Performance Measures.—

8 (1) In general.—Each eligible agency, with input from eligible recipients, shall establish
9 State determined performance measures for a State that consist of—

10 (A) the core indicators of performance described in subparagraphs (A) and (B) of
11 paragraph (2); and

12 ~~(B) any additional indicators of performance (if any) identified by the eligible agency~~
13 ~~under paragraph (2)(C); and~~

14 ~~(BC) a State adjusted-determined level of performance described in paragraph (3)(A)~~
15 ~~for each core indicator of performance, and State levels of performance described in~~
16 ~~paragraph (3)(B) for each additional indicator of performance.~~

17 (2) Indicators of performance.—

18 (A) Core indicators of performance for CTE concentrators at the secondary level.—
19 Each eligible agency shall identify in the State plan core indicators of performance
20 for CTE concentrators at the secondary level that are valid and reliable, and that
21 include, at a minimum, measures of each of the following:

22 (i) The percentage of CTE concentrators who graduate high school, as measured
23 by—

24 (I) the four-year adjusted cohort graduation rate (defined in section 8101 of
25 the Elementary and Secondary Education Act of 1965); and

26 (II) at the State’s discretion, the extended-year adjusted cohort graduation rate
27 defined in such section 8101.

28 (ii) CTE concentrator proficiency in the challenging State academic standards
29 adopted by the State under section 1111(b)(1) of the Elementary and Secondary
30 Education Act of 1965, as measured by the academic assessments described in
31 section 1111(b)(2) of such Act.

32 (iii) The percentage of CTE concentrators who, in the second quarter after exiting
33 from secondary education, are in postsecondary education or advanced training,
34 military service or a service program that receives assistance under title I of the
35 National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are
36 volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C.
37 2504(a)), or are employed.

38 (iv) Indicators of career and technical education program quality as follows:

39 (I) That shall include at least 1 of the following:

1 (aa) The percentage of CTE concentrators graduating from high school
2 having attained a recognized postsecondary credential.

3 (bb) The percentage of CTE concentrators graduating from high school
4 having attained postsecondary credits in the relevant career and technical
5 education program or program of study earned through a dual or
6 concurrent enrollment program or another credit transfer agreement.

7 (cc) The percentage of CTE concentrators graduating from high school
8 having participated in work-based learning.

9 (II) That may include any other measure of student success in career and
10 technical education that is statewide, valid, and reliable, and comparable
11 across the State.

12 (v) The percentage of CTE concentrators in career and technical education
13 programs and programs of study that lead to non-traditional fields.

14 (B) Core indicators of performance for CTE concentrators at the postsecondary
15 level.—Each eligible agency shall identify in the State plan core indicators of
16 performance for CTE concentrators at the postsecondary level that are valid and
17 reliable, and that include, at a minimum, measures of each of the following:

18 (i) The percentage of CTE concentrators who, during the second quarter after
19 program completion, remain enrolled in postsecondary education, are in advanced
20 training, military service, or a service program that receives assistance under title
21 I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.),
22 are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C.
23 2504(a)), or are placed or retained in employment.

24 (ii) The percentage of CTE concentrators who receive a recognized postsecondary
25 credential during participation in or within 1 year of program completion.

26 (iii) The percentage of CTE concentrators in career and technical education
27 programs and programs of study that lead to non-traditional fields.

28 (C) Alignment of performance indicators.—In developing core indicators of
29 performance under subparagraphs (A) and (B), an eligible agency shall, to the
30 greatest extent possible, align the indicators so that substantially similar information
31 gathered for other State and Federal programs, or for any other purpose, may be used
32 to meet the requirements of this section.

33 ~~(A) Core indicators of performance for career and technical education students at the~~
34 ~~secondary level.— Each eligible agency shall identify in the State plan core indicators~~
35 ~~of performance for career and technical education students at the secondary level that~~
36 ~~are valid and reliable, and that include, at a minimum, measures of each of the~~
37 ~~following:~~

38 ~~(i) Student attainment of the challenging State academic standards, as adopted by~~
39 ~~a State in accordance with section 1111(b)(1) of the Elementary and Secondary~~
40 ~~Education Act of 1965 and measured by the State determined levels of~~
41 ~~achievement on the academic assessments described in section 1111(b)(2) of such~~
42 ~~Act.~~

1 ~~(ii) Student attainment of career and technical skill proficiencies, including~~
2 ~~student achievement on technical assessments, that are aligned with industry-~~
3 ~~recognized standards, if available and appropriate.~~

4 ~~(iii) Student rates of attainment of each of the following:~~

5 ~~(I) A secondary school diploma.~~

6 ~~(II) A General Education Development (GED) credential, or other State-~~
7 ~~recognized equivalent (including recognized alternative standards for~~
8 ~~individuals with disabilities).~~

9 ~~(III) A proficiency credential, certificate, or degree, in conjunction with a~~
10 ~~secondary school diploma (if such credential, certificate, or degree is offered~~
11 ~~by the State in conjunction with a secondary school diploma).~~

12 ~~(iv) Student graduation rates (as described in section 1111(c)(4)(A)(i)(I)(bb) of~~
13 ~~the Elementary and Secondary Education Act of 1965).~~

14 ~~(v) Student placement in postsecondary education or advanced training, in~~
15 ~~military service, or in employment.~~

16 ~~(vi) Student participation in and completion of career and technical education~~
17 ~~programs that lead to non-traditional fields.~~

18 ~~(B) Core indicators of performance for career and technical education students at the~~
19 ~~postsecondary level.— Each eligible agency shall identify in the State plan core~~
20 ~~indicators of performance for career and technical education students at the~~
21 ~~postsecondary level that are valid and reliable, and that include, at a minimum,~~
22 ~~measures of each of the following:~~

23 ~~(i) Student attainment of challenging career and technical skill proficiencies,~~
24 ~~including student achievement on technical assessments, that are aligned with~~
25 ~~industry-recognized standards, if available and appropriate.~~

26 ~~(ii) Student attainment of an industry-recognized credential, a certificate, or a~~
27 ~~degree.~~

28 ~~(iii) Student retention in postsecondary education or transfer to a baccalaureate~~
29 ~~degree program.~~

30 ~~(iv) Student placement in military service or apprenticeship programs or~~
31 ~~placement or retention in employment, including placement in high-skill, high~~
32 ~~wage, or high-demand occupations or professions.~~

33 ~~(v) Student participation in, and completion of, career and technical education~~
34 ~~programs that lead to employment in non-traditional fields.~~

35 ~~(C) Additional indicators of performance.— An eligible agency, with input from~~
36 ~~eligible recipients, may identify in the State plan additional indicators of performance~~
37 ~~for career and technical education activities authorized under this title, such as~~
38 ~~attainment of self-sufficiency.~~

39 ~~(D) Existing indicators.— If a State has developed, prior to the date of enactment of~~
40 ~~the Carl D. Perkins Career and Technical Education Improvement Act of 2006, State~~

1 ~~career and technical education performance measures that meet the requirements of~~
2 ~~this section (as amended by such Act), the State may use such performance measures~~
3 ~~to measure the progress of career and technical education students.~~

4 ~~(E) State role.—Indicators of performance described in this paragraph shall be~~
5 ~~established solely by each eligible agency with input from eligible recipients.~~

6 ~~(F) Alignment of performance indicators.—In the course of developing core~~
7 ~~indicators of performance and additional indicators of performance, an eligible~~
8 ~~agency shall, to the greatest extent possible, align the indicators so that substantially~~
9 ~~similar information gathered for other State and Federal programs, or for any other~~
10 ~~purpose, is used to meet the requirements of this section.~~

11 (3) State determined levels of performance.—

12 (A) State determined levels of performance for core indicators of performance.—

13 (i) In general.—

14 (I) Levels determined by the eligible agency.—Each eligible agency, with
15 input from eligible recipients, shall establish in the State plan submitted under
16 Section 122, for each year covered by the State plan, State determined levels
17 of performance for each of the core indicators described under subparagraphs
18 (A) and (B) of paragraph (2) for career and technical education activities
19 authorized under this title. The level of performance for a core indicator shall
20 be the same for all CTE concentrators in the State.

21 (II) Technical assistance.—The Secretary may assist an eligible agency in
22 establishing the State determined levels of performance under this
23 subparagraph only at the request of that eligible agency.

24 (III) Requirements.—Such State determined levels of performance shall, at a
25 minimum—

26 (aa) be expressed in a percentage or numerical form, so as to be objective,
27 quantifiable, and measurable;

28 (bb) require the State to continually make meaningful progress toward
29 improving the performance of all career and technical education students,
30 including the subgroups of students described in section 1111(h)(1)(C)(ii)
31 of the Elementary and Secondary Education Act of 1965, and special
32 populations, as described in section 3(48); and

33 (cc) have been subject to the public comment process described in
34 subparagraph (B), and the eligible agency has provided a written response;

35 (dd) when being adjusted pursuant to clause (ii), take into account how the
36 levels of performance involved compare with the State levels of
37 performance established for other States, considering factors including the
38 characteristics of actual (as opposed to anticipated) CTE concentrators
39 when the CTE concentrators entered the program, and the services or
40 instruction to be provided;

41 (ee) when being adjusted pursuant to clause (ii), be higher than the

1 average actual performance of the 2 most recently completed program
2 years, except in the case of unanticipated circumstances that require
3 revisions in accordance with clause (iii); and

4 (ff) take into account the extent to which the State determined levels of
5 performance advance the eligible agency’s goals, as set forth in the State
6 plan;

7 (ii) Allowable adjustment of State determined levels of performance for
8 subsequent years.—Prior to the third program year covered by the State plan, each
9 eligible agency may revise the State determined levels of performance for any of
10 the core indicators of performance for the subsequent program years covered by
11 the State plan, and submit the revised State determined levels of performance to
12 the Secretary. If the eligible agency adjusts any levels of performance, the eligible
13 agency shall adjust those levels in accordance with clause (i), and address written
14 comments of stakeholders as described in subparagraph (B). The Secretary shall
15 approve those revised levels of performance if those levels meet the requirements
16 described in subclause (III) of clause (i). The State determined adjusted levels of
17 performance identified under this clause shall be considered to be the State
18 determined levels of performance for the State for such years and shall be
19 incorporated into the State plan.

20 (iii) Unanticipated circumstances.—If unanticipated circumstances arise in a State
21 or changes occur related to improvements in data or measurement approaches, the
22 eligible agency, at the end of the program year, may revise the State determined
23 levels of performance required under this subparagraph. After public comment, as
24 described in subparagraph (B), the eligible agency shall submit such revised
25 levels of performance to the Secretary with evidence supporting the revision. The
26 Secretary shall approve any such revision if that revision meets the requirements
27 of clause (i).

28 (B) Public comment.—

29 (i) In general.—Each eligible agency shall develop the levels of performance
30 under subparagraph (A) in consultation with the stakeholders identified in section
31 122(c)(1)(A);

32 (ii) Written comments.—Not less than 60 days prior to submission of the State
33 plan, the eligible agency shall provide such stakeholders with the opportunity to
34 provide written comments to the eligible agency, which shall be included in the
35 State plan, regarding how the levels of performance described under subparagraph
36 (A)—

37 (I) meet the requirements of the law;

38 (II) support the improvement of performance of all CTE concentrators,
39 including subgroups of students, as described in section 1111(h)(1)(C)(ii) of
40 the Elementary and Secondary Education Act of 1965, and special
41 populations, as described in section 3(48); and

42 (III) support the needs of the local education and business community.

1 (iii) Eligible agency response.—Each eligible agency shall provide, in the State
2 plan, a written response to the comments provided by stakeholders under clause
3 (ii).

4 (C) State report.—

5 (i) In general.—Each eligible agency that receives an allotment under section 111
6 shall annually prepare and submit to the Secretary a report regarding—

7 (I) the progress of the State in achieving the State determined levels of
8 performance on the core indicators of performance; and

9 (II) the actual levels of performance for all CTE concentrators, and for each of
10 the subgroups of students, as described in section 1111(h)(1)(C)(ii) of the
11 Elementary and Secondary Education Act of 1965, and special populations, as
12 described in section 3(48).

13 (ii) Data.—Except as provided in subparagraph (E), each eligible agency that
14 receives an allotment under section 111 shall—

15 (I) disaggregate data for each of the indicators of performance under
16 paragraph (2)—

17 (aa) for subgroups of students, as described in section 1111(h)(1)(C)(ii) of
18 the Elementary and Secondary Education Act of 1965, and special
19 populations, as described in section 3(48), that are served under this Act;
20 and

21 (bb) by the career and technical education programs or programs of study
22 of the CTE concentrators, except that in a case in which reporting by such
23 program or program of study is impractical, the data may be disaggregated
24 by the career clusters of the CTE concentrators, if appropriate;

25 (II) identify and quantify any disparities or gaps in performance on the State
26 determined levels of performance under subparagraph (A) between any such
27 subgroup or special population and the performance of all CTE concentrators
28 served by the eligible agency under this Act, which shall include a
29 quantifiable description of the progress each such subgroup or special
30 population of students served by the eligible agency under this Act has made
31 in meeting the State determined levels of performance; and

32 (III) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph
33 (2)(B)(i), disaggregate data, to the extent such data is available, by each of the
34 following:

35 (aa) Individuals enrolled in postsecondary education (disaggregated by
36 postsecondary award level, including certificate, associate, or
37 baccalaureate degree).

38 (bb) Individuals in advanced training.

39 (cc) Individuals in military service or a service program that receives
40 assistance under title I of the National and Community Service Act of
41 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a)

1 of the Peace Corps Act (22 U.S.C. 2504(a)).

2 (dd) Individuals in employment (including those individuals who are
3 employed in a high-skill, high-wage, or in-demand sector or occupation.

4 (iii) Nonduplication.—The Secretary shall ensure that each eligible agency does
5 not report duplicative information under this section.

6 (iv) Information dissemination.—The Secretary shall—

7 (I) make the information contained in such reports available to the general
8 public through a variety of formats, including electronically through the
9 Internet;

10 (II) disseminate State-by-State comparisons of the information contained in
11 such reports; and

12 (III) provide the appropriate committees of Congress with copies of such
13 reports.

14 (D) State dissemination of actual levels of performance.—At the end of each program
15 year, the eligible agency shall disseminate the actual levels of performance described
16 in subparagraph (C)(i)(II)—

17 (i) widely, including to students, parents, and educators;

18 (ii) through a variety of formats, including electronically through the Internet; and

19 (iii) in user-friendly formats and languages that are easily accessible, as
20 determined by the eligible agency.

21 (E) Rules for reporting data.—The disaggregation of data under this paragraph shall
22 not be required when the number of students in a category is insufficient to yield
23 statistically reliable information or when the results would reveal personally
24 identifiable information about an individual student.

25 (A) State adjusted levels of performance for core indicators of performance.—

26 (i) In general.—Each eligible agency, with input from eligible recipients, shall
27 establish in the State plan submitted under section 122, levels of performance for
28 each of the core indicators of performance described in subparagraphs (A) and (B)
29 of paragraph (2) for career and technical education activities authorized under this
30 title. The levels of performance established under this subparagraph shall, at a
31 minimum—

32 (I) be expressed in a percentage or numerical form, so as to be objective,
33 quantifiable, and measurable; and

34 (II) require the State to continually make progress toward improving the
35 performance of career and technical education students.

36 (ii) Identification in the state plan.—Subject to section 4, each eligible agency
37 shall identify, in the State plan submitted under section 122, levels of performance
38 for each of the core indicators of performance for the first 2 program years
39 covered by the State plan.

1 ~~(iii) Agreement on state-adjusted levels of performance for first 2 YEARS.—The~~
2 ~~Secretary and each eligible agency shall reach agreement on the levels of~~
3 ~~performance for each of the core indicators of performance, for the first 2~~
4 ~~program years covered by the State plan, taking into account the levels identified~~
5 ~~in the State plan under clause (ii) and the factors described in clause (vi). The~~
6 ~~levels of performance agreed to under this clause shall be considered to be the~~
7 ~~State-adjusted level of performance for the State for such years and shall be~~
8 ~~incorporated into the State plan prior to the approval of such plan.~~

9 ~~(iv) Role of the secretary.—The role of the Secretary in the agreement described~~
10 ~~in clauses (iii) and (v) is limited to reaching agreement on the percentage or~~
11 ~~number of students who attain the State-adjusted levels of performance.~~

12 ~~(v) Agreement on state-adjusted levels of performance for subsequent years.—~~
13 ~~Prior to the third and fifth program years covered by the State plan, the Secretary~~
14 ~~and each eligible agency shall reach agreement on the State-adjusted levels of~~
15 ~~performance for each of the core indicators of performance for the corresponding~~
16 ~~subsequent program years covered by the State plan, taking into account the~~
17 ~~factors described in clause (vi). The State-adjusted levels of performance agreed~~
18 ~~to under this clause shall be considered to be the State-adjusted levels of~~
19 ~~performance for the State for such years and shall be incorporated into the State~~
20 ~~plan.~~

21 ~~(vi) Factors.—The agreement described in clause (iii) or (v) shall take into~~
22 ~~account—~~

23 ~~(I) how the levels of performance involved compare with the State-adjusted~~
24 ~~levels of performance established for other States, taking into account factors~~
25 ~~including the characteristics of participants when the participants entered the~~
26 ~~program and the services or instruction to be provided; and~~

27 ~~(II) the extent to which such levels of performance promote continuous~~
28 ~~improvement on the indicators of performance by such State.~~

29 ~~(vii) Revisions.—If unanticipated circumstances arise in a State resulting in a~~
30 ~~significant change in the factors described in clause (vi), the eligible agency may~~
31 ~~request that the State-adjusted levels of performance agreed to under clause (iii) or~~
32 ~~(v) be revised. The Secretary shall issue objective criteria and methods for making~~
33 ~~such revisions.~~

34 ~~(B) Levels of performance for additional indicators.—Each eligible agency shall~~
35 ~~identify in the State plan State levels of performance for each of the additional~~
36 ~~indicators of performance described in paragraph (2)(C). Such levels shall be~~
37 ~~considered to be the State levels of performance for purposes of this title.~~

38 (4) Local levels of performance.—

39 (A) Local ~~adjusted~~ levels of performance for core indicators of performance.—

40 (i) In general.—Each eligible recipient shall agree to accept the State
41 ~~determined~~~~adjusted~~ levels of performance for each year of the plan established
42 under paragraph (3) as local ~~adjusted~~ levels of performances, or negotiate with the

1 State to reach agreement on new local ~~adjusted~~ levels of performance, for each of
2 the core indicators of performance described in subparagraphs (A) and (B) of
3 paragraph (2) for career and technical education activities authorized under this
4 title. The levels of performance established under this subparagraph shall, at a
5 minimum—

6 (I) be expressed in a percentage or numerical form, consistent with the form
7 expressed in the State determined level~~consistent with the State levels of~~
8 ~~performance established under paragraph (3)~~, so as to be objective,
9 quantifiable, and measurable; ~~and~~

10 (II) require the eligible recipient to continually make meaningful progress
11 toward improving the performance of all CTE concentrators, including
12 subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary
13 and Secondary Education Act of 1965 and special populations, as described in
14 section 3(48);~~career and technical education students.~~

15 (III) when being adjusted as described in clause (iii), be higher than the
16 average actual performance levels of the previous 2 program years, except in a
17 case in which unanticipated circumstances arise with respect to the eligible
18 recipient and that eligible recipient meets the requirements for revisions under
19 clause (iv);

20 (IV) when being adjusted as described in clause (iii), take into account how
21 the local levels of performance compare with the local levels of performance
22 established for other eligible recipients, considering factors including the
23 characteristics of actual (as opposed to anticipated) CTE concentrators at the
24 time those CTE concentrators entered the program, and the services or
25 instruction to be provided; and

26 (V) set the local levels of performance using valid and reliable data that
27 measures—

28 (aa) the differences within the State in actual economic conditions
29 (including differences in unemployment rates and job losses or gains in
30 particular industries); and

31 (bb) the abilities of the State and the eligible recipient to collect and access
32 valid, reliable, and cost-effective data.

33 (ii) Identification in the local ~~plan~~application.—Each eligible recipient shall
34 identify, in the local ~~plan~~application submitted under section 134, levels of
35 performance for each of the core indicators of performance for ~~the first 2~~ each of
36 the program years covered by the local plan.

37 ~~(iii) Agreement on local adjusted levels of performance for first 2 YEARS.—The~~
38 ~~eligible agency and each eligible recipient shall reach agreement, as described in~~
39 ~~clause (i), on the eligible recipient's levels of performance for each of the core~~
40 ~~indicators of performance for the first 2 program years covered by the local plan,~~
41 ~~taking into account the levels identified in the local plan under clause (ii) and the~~
42 ~~factors described in clause (v). The levels of performance agreed to under this~~
43 ~~clause shall be considered to be the local adjusted levels of performance for the~~

1 eligible recipient for such years and shall be incorporated into the local plan prior
2 to the approval of such plan.

3 ~~(iviii) Agreement on local adjusted levels of performance for subsequent~~
4 ~~years~~Allowable adjustments of local levels of performance for subsequent
5 years.—Prior to the ~~third and fifth program years~~ third program year covered by
6 the local ~~plan application~~, the eligible agency and each eligible recipient shall
7 ~~reach agreement on the local adjusted levels of performance for each of the core~~
8 ~~indicators of performance for the corresponding subsequent program years~~
9 ~~covered by the local plan, taking into account the factors described in clause~~
10 ~~(v)~~the eligible recipient may, if the eligible recipient reaches an agreement with
11 the eligible agency, adjust the local levels of performance for any of the core
12 indicators of performance for the subsequent program years covered by the local
13 application, in accordance with that agreement and with this subparagraph. The
14 local adjusted levels of performance agreed to under this clause shall be
15 considered to be the local ~~adjusted~~ levels of performance for the eligible recipient
16 for such years and shall be incorporated into the local ~~plan application~~.

17 ~~(v) Factors.~~—The agreement described in clause (iii) or (iv) shall take into
18 ~~account —~~

19 ~~(I) how the levels of performance involved compare with the local adjusted~~
20 ~~levels of performance established for other eligible recipients in the State,~~
21 ~~taking into account factors including the characteristics of participants when~~
22 ~~the participants entered the program and the services or instruction to be~~
23 ~~provided; and~~

24 ~~(II) the extent to which the local adjusted levels of performance promote~~
25 ~~continuous improvement on the core indicators of performance by the eligible~~
26 ~~recipient.~~

27 ~~(vi) Revisions.~~—If unanticipated circumstances arise, or changes occur related
28 to improvements in data or measurement approaches with respect to an eligible
29 recipient resulting in a significant change in the factors described in clause (v), the
30 eligible recipient may request that the local ~~adjusted~~ levels of performance agreed
31 to under clauses ~~(iii)~~ or ~~(iviii)~~ be revised. The eligible agency shall issue
32 objective criteria and methods for making such revisions.

33 ~~(B) Levels of performance for additional indicators.~~—Each eligible recipient may
34 ~~identify, in the local plan, local levels of performance for any additional indicators of~~
35 ~~performance described in paragraph (2)(C). Such levels shall be considered to be the~~
36 ~~local levels of performance for purposes of this title.~~

37 ~~(C) Local report.~~—

38 (i) Content of report.—Each eligible recipient that receives an allocation
39 described in section 112 shall annually prepare and submit to the eligible agency a
40 report, which shall include the data on the actual performance levels described in
41 clause (ii)~~(I)~~, regarding the progress of such recipient in achieving the local
42 adjusted levels of performance including the progress of such recipient in
43 achieving the local levels of performance on the core indicators of performance.

1 (ii) Data.—Except as provided in clauses (iii) and (iv), each eligible recipient that
2 receives an allocation described in section 112 shall—

3 (I) disaggregate data for each of the indicators of performance under
4 paragraph (2) for the subgroups of students described in section
5 1111(h)(1)(C)(~~iii~~) of the Elementary and Secondary Education Act of 1965
6 and section 3(~~2948~~) that are served under this Act; ~~and~~

7 (II) identify and quantify any disparities or gaps in performance, as described
8 in paragraph 3(C)(ii)(II) between any such category of students as described
9 in subclause (I) (including special populations) and the performance of all
10 ~~students~~ CTE concentrators served by the eligible recipient under this Act;

11 (III) disaggregate data by the career and technical education programs or
12 programs of study of the CTE concentrators, except that in a case in which
13 reporting by such program or program of study is impractical, the data may be
14 disaggregated by the career clusters of the CTE concentrators, if appropriate;
15 and

16 (IV) for CTE concentrators described in paragraph (2)(A)(iii) and paragraph
17 (2)(B)(i), disaggregate data, to the extent such data is available, by each of the
18 following:

19 (aa) Individuals enrolled in postsecondary education (disaggregated by
20 postsecondary award level, including certificate, associate, or
21 baccalaureate degree).

22 (bb) Individuals in advanced training.

23 (cc) Individuals in military service or a service program that receives
24 assistance under title I of the National and Community Service Act of
25 1990 (42 U.S.C. 12511 et seq.) or volunteers as described in section 5(a)
26 of the Peace Corps Act (22 U.S.C. 2504(a)).

27 (dd) Individuals in employment (including those individuals who are
28 employed in high-skill, high-wage, or in-demand sector or occupation).

29 (iii) Nonduplication.—The eligible agency shall ensure, in a manner that is
30 consistent with the actions of the Secretary under ~~subsection (e)(3) paragraph~~
31 ~~(3)(C)(iii)~~, that each eligible recipient does not report duplicative information
32 under this section.

33 (iv) Rules for reporting of data.—The disaggregation of data under ~~clause (ii)~~ this
34 paragraph shall not be required when the number of students in a category is
35 insufficient to yield statistically reliable information or when the results would
36 reveal personally identifiable information about an individual student.

37 (v) Availability.—The report described in clause (i) shall be made available by
38 the eligible recipient through a variety of formats, including electronically
39 through the Internet, to students, parents, educators, and the public, and the
40 information contained in such report shall be in a format that is understandable
41 and uniform, and to the extent practicable, provided in a language that students,
42 parents, and educators can understand.

1 ~~(e) Report.—~~

2 ~~(1) In general.—Each eligible agency that receives an allotment under section 111 shall~~
3 ~~annually prepare and submit to the Secretary a report regarding—~~

4 ~~(A) the progress of the State in achieving the State adjusted levels of performance on~~
5 ~~the core indicators of performance; and~~

6 ~~(B) information on the levels of performance achieved by the State with respect to the~~
7 ~~additional indicators of performance, including the levels of performance for special~~
8 ~~populations.~~

9 ~~(2) Data.—Except as provided in paragraphs (3) and (4), each eligible agency that~~
10 ~~receives an allotment under section 111 or 201 shall—~~

11 ~~(A) disaggregate data for each of the indicators of performance under subsection~~
12 ~~(b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the~~
13 ~~Elementary and Secondary Education Act of 1965 and section 3(29) that are served~~
14 ~~under this Act; and~~

15 ~~(B) identify and quantify any disparities or gaps in performance between any such~~
16 ~~category of students and the performance of all students served by the eligible agency~~
17 ~~under this Act, which shall include a quantifiable description of the progress each~~
18 ~~such category of students served by the eligible agency under this Act has made in~~
19 ~~meeting the State adjusted levels of performance.~~

20 ~~(3) Nonduplication.—The Secretary shall ensure that each eligible agency does not report~~
21 ~~duplicative information under this section.~~

22 ~~(4) Rules for reporting of data.—The disaggregation of data under paragraph (2) shall not~~
23 ~~be required when the number of students in a category is insufficient to yield statistically~~
24 ~~reliable information or when the results would reveal personally identifiable information~~
25 ~~about an individual student.~~

26 ~~(5) Information dissemination.—The Secretary—~~

27 ~~(A) shall make the information contained in such reports available to the general~~
28 ~~public through a variety of formats, including electronically through the Internet;~~

29 ~~(B) shall disseminate State-by-State comparisons of the information; and~~

30 ~~(C) shall provide the appropriate committees of Congress with copies of such reports.~~

31
32 **SEC. 114. [20 U.S.C. 2324] NATIONAL ACTIVITIES.**

33 **(a) Program Performance Information.—**

34 (1) In general.—The Secretary shall, in consultation with the Director, collect
35 performance information about, and report on, the condition of career and technical
36 education and on the effectiveness of State and local programs, services, and activities
37 carried out under this title in order to provide the Secretary and Congress, as well as
38 Federal, State, local, and tribal agencies, with information relevant to improvement in the
39 quality and effectiveness of career and technical education. The Secretary shall report

1 annually to Congress on the Secretary's aggregate analysis of performance information
2 collected each year pursuant to this title from eligible agencies under section
3 113(b)(3)(C), including an analysis of performance data regarding special populations.

4 (2) Compatibility.—The Secretary shall, to the extent feasible, ensure that the
5 performance information system is compatible with other Federal information systems.

6 (3) Assessments.—As a regular part of its assessments, the National Center for Education
7 Statistics shall collect and report information on career and technical education for a
8 nationally representative sample of students. Such assessment may include international
9 comparisons in the aggregate.

10 (b) Reasonable Cost.—The Secretary shall take such action as may be necessary to secure at
11 reasonable cost the information required by this title. To ensure reasonable cost, the
12 Secretary, in consultation with the National Center for Education Statistics and the Office of
13 Career, Technical, and Adult Education shall determine the methodology to be used and the
14 frequency with which such information is to be collected.

15 ~~(b) Miscellaneous Provisions.—~~

16 ~~(1) Collection of information at reasonable cost.— The Secretary shall take such action as~~
17 ~~may be necessary to secure at reasonable cost the information required by this title. To~~
18 ~~ensure reasonable cost, the Secretary, in consultation with the National Center for~~
19 ~~Education Statistics, the Office of Career, Technical, and Adult Education, and an entity~~
20 ~~assisted under section 118 (if applicable), shall determine the methodology to be used and~~
21 ~~the frequency with which information is to be collected.~~

22 ~~(2) Cooperation of states.— All eligible agencies receiving assistance under this Act shall~~
23 ~~cooperate with the Secretary in implementing the information systems developed~~
24 ~~pursuant to this Act.~~

25 (c) Single Plan for Research, Development, Dissemination, Evaluation, and Assessment.—

26 (1) In general.—The Secretary shall may, directly or through grants, contracts, or
27 cooperative agreements, carry out research, development, dissemination, evaluation and
28 assessment, capacity building, and technical assistance with regard to the career and
29 technical education programs under this Act. The Secretary shall develop a single plan
30 for such activities.

31 (2) Plan.—Such plan shall—

32 (A) identify the career and technical education activities described in paragraph (1)
33 that the Secretary will carry out under this section;

34 (B) describe how the Secretary, acting through the Director, will evaluate such career
35 and technical education activities in accordance with subsection (d)(2); and

36 (C) include such other information as the Secretary, in consultation with the Director,
37 determines to be appropriate.

38 (d) Advisory Panel; Evaluation; Reports.—

39 (1) Independent advisory panel.—

40 (A) In general.—The Secretary, acting through the Director, shall appoint an

1 independent advisory panel to advise the Secretary on the implementation of the
2 assessment-evaluation described in paragraph (2) and the plan developed under
3 subsection (c), including the issues to be addressed and the methodology of the
4 studies involved to ensure that the assessment-evaluation adheres to the highest
5 standards of quality.

6 (B) Members.—The advisory panel shall consist of—

7 (i) educators, administrators, State directors of career and technical education, and
8 chief executives, including those with expertise in the integration of academic and
9 career and technical education;

10 (ii) experts in evaluation, research, and assessment;

11 (iii) representatives of labor organizations and businesses, including small
12 businesses, economic development entities, and workforce investment entities;

13 (iv) parents;

14 (v) career guidance and academic counseling professionals; ~~and~~

15 (vi) other individuals and qualified intermediaries with relevant expertise-, which
16 may include individuals with expertise in addressing inequities in access to, and
17 in opportunities for, academic and technical skill attainment;

18 (vii) representatives of Indian Tribes and Tribal organizations; and

19 (viii) representatives of special populations.

20 (C) Independent analysis.—The advisory panel shall transmit to the Secretary, the
21 Director, the relevant committees of Congress, and the Library of Congress an
22 independent analysis of the findings and recommendations resulting from the
23 assessment-evaluation described in paragraph (2).

24 (D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to
25 the panel established under this paragraph.

26 (2) Evaluation-~~and assessment~~.—

27 (A) In general.—From amounts made available under subsection (ef), the Secretary,
28 acting through the Director, shall provide for the conduct of ~~an independent~~
29 evaluation and assessment—a series of research and evaluation initiatives for each year
30 for which funds are appropriated to carry out this Act, which are aligned with the plan
31 in subsection (c)(2), of career and technical education programs under this Act,
32 including the implementation of the ~~Carl D. Perkins Career and Technical Education~~
33 ~~Improvement Act of 2006~~ Strengthening Career and Technical Education for the 21st
34 Century Act, to the extent practicable, through studies and analyses conducted
35 independently through grants, contracts, and cooperative agreements that are awarded
36 on a competitive basis. Whenever possible, data used for the evaluation for a fiscal
37 year shall be data from the most recent fiscal year for which such data are available,
38 and from the 5-year period preceding that fiscal year.

39 (B) Contents.—The ~~evaluationassessment~~ required under subparagraph (A) shall
40 include descriptions and evaluations of—

1 (i) the extent and success of the integration of challenging State academic
2 standards adopted under section 1111(b)(1) of the Elementary and Secondary
3 Education Act of 1965 and career and technical education for students
4 participating in career and technical education programs, including a review of the
5 effect of such integration on the academic and technical proficiency achievement
6 of such students, including—

7 (I) the number of such students that receive a regular high school diploma, as
8 such term is defined under section 8101 of the Elementary and Secondary
9 Education Act of 1965 or a State-defined alternative diploma described in
10 section 8101(25)(A)(ii)(I)(bb) of such Act;

11 (II) the number of such students that are high school students that receive a
12 recognized postsecondary credential; and

13 (III) the number of such students that are high school students that earn credit
14 toward a recognized postsecondary credential;

15 (ii) the extent to which career and technical education programs and programs of
16 study prepare students, including special populations, for subsequent employment
17 in high-skill, high-wage occupations (including those in which mathematics and
18 science skills are critical, which may include computer science), or for
19 participation in postsecondary education;

20 (iii) employer involvement in, benefit from, and satisfaction with, career and
21 technical education programs and programs of study and career and technical
22 education students' preparation for employment;

23 (iv) efforts to expand access to career and technical education programs of study
24 for all students;

25 (v) innovative approaches to work-based learning programs that increase
26 participation and alignment with employment in high-growth industries, including
27 in rural and low-income areas;

28 (vi) the effectiveness of different delivery systems and approaches for career and
29 technical education, including comprehensive high schools, technical high
30 schools, area technical centers, career academies, community and technical
31 colleges, early college high schools, pre-apprenticeship programs, voluntary after
32 school programs, and individual course offerings, including dual or concurrent
33 enrollment program courses, as well as communication strategies for promoting
34 career and technical education opportunities involving teachers, school
35 counselors, and parents or other guardians;

36 (vii) the extent to which career and technical education programs supported by
37 this Act are grounded on evidence-based research;

38 (viii) the impact of the amendments to this Act made under the Strengthening
39 Career and Technical Education for the 21st Century Act, including comparisons,
40 where appropriate, of—

41 (I) the use of the comprehensive needs assessment under section 134(c);

1 (II) the implementation of programs of study; and

2 (III) coordination of planning and program delivery with other relevant laws,
3 including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et
4 seq.) and the Elementary and Secondary Education Act of 1965;

5 (ix) changes in career and technical education program accountability as
6 described in section 113 and any effects of such changes on program delivery and
7 program quality;

8 (x) changes in student enrollment patterns; and

9 (xi) efforts to reduce disparities or performance gaps described in section
10 113(b)(3)(C)(ii)(II).

11 ~~(i) the extent to which State, local, and tribal entities have developed,~~
12 ~~implemented, or improved State and local career and technical education~~
13 ~~programs assisted under this Act;~~

14 ~~(ii) the preparation and qualifications of teachers and faculty of career and~~
15 ~~technical education (such as meeting State-established teacher certification or~~
16 ~~licensing requirements), as well as shortages of such teachers and faculty;~~

17 ~~(iii) academic and career and technical education achievement and employment~~
18 ~~outcomes of career and technical education, including analyses of—~~

19 ~~(I) the extent and success of the integration of rigorous and challenging~~
20 ~~academic and career and technical education for students participating in~~
21 ~~career and technical education programs, including a review of the effect of~~
22 ~~such integration on the academic and technical proficiency achievement of~~
23 ~~such students (including the number of such students receiving a secondary~~
24 ~~school diploma); and~~

25 ~~(II) the extent to which career and technical education programs prepare~~
26 ~~students, including special populations, for subsequent employment in high~~
27 ~~skill, high wage occupations (including those in which mathematics and~~
28 ~~science skills are critical), or for participation in postsecondary education;~~

29 ~~(iv) employer involvement in, and satisfaction with, career and technical~~
30 ~~education programs and career and technical education students' preparation for~~
31 ~~employment;~~

32 ~~(v) the participation of students in career and technical education programs;~~

33 ~~(vi) the use of educational technology and distance learning with respect to career~~
34 ~~and technical education and tech-prep programs; and~~

35 ~~(vii) the effect of State and local adjusted levels of performance and State and~~
36 ~~local levels of performance on the delivery of career and technical education~~
37 ~~services, including the percentage of career and technical education and tech-prep~~
38 ~~students meeting the adjusted levels of performance described in section 113.~~

39 (C) Reports.—

40 (i) In general.—The Secretary, in consultation with the Director, shall submit to

1 the relevant committees of Congress—

2 ~~(I) an interim report regarding the assessment on or before January 1, 2010;~~
3 ~~and~~

4 ~~(II) a final report, summarizing all studies and analyses that relate to the~~
5 ~~assessment and that are completed after the interim report, on or before July 1,~~
6 ~~2011.~~

7 (I) not later than 2 years after the date of enactment of the Strengthening
8 Career and Technical Education for the 21st Century Act, an interim report
9 regarding the evaluation and summary of research activities carried out under
10 this section that builds on studies and analyses existing as of such date of
11 enactment;

12 (II) not later than 4 years after the date of enactment of the Strengthening
13 Career and Technical Education for the 21st Century Act, a final report
14 summarizing the studies and analyses that relate to the evaluation and
15 summary of research activities carried out under this section; and

16 (III) a biennial update to such final report for succeeding years.

17 (ii) Prohibition.—Notwithstanding any other provision of law, the reports
18 required by this subsection shall not be subject to any review outside the
19 Department of Education before their transmittal to the relevant committees of
20 Congress and the Secretary, but the President, the Secretary, the Director, and the
21 independent advisory panel established under paragraph (1) may make such
22 additional recommendations to Congress with respect to the assessment as the
23 President, the Secretary, the Director or the panel determine to be appropriate.

24 (iii) Dissemination.—In addition to submitting the reports required under clause
25 (i), the Secretary shall disseminate the results of the evaluation widely and on a
26 timely basis in order to increase the understanding among State and local officials
27 and educators of the effectiveness of programs and activities supported under the
28 Act and of the career and technical education programs and programs of study
29 that are most likely to produce positive educational and employment outcomes.

30 (3) Collection of state information and report.—

31 (A) In general.—The Secretary may collect and disseminate information from States
32 regarding State efforts to meet State determined adjusted levels of performance
33 described in section 113(b), as long as such information does not reveal any
34 personally identifiable information.

35 (B) Report.—The Secretary shall gather any information collected pursuant to
36 subparagraph (A) and submit a report to the relevant committees in Congress.

37 (4) Research.—

38 (A) In general.—From amounts made available under subsection (f), the Secretary,
39 after consultation with the Director, the Commissioner for Education Research, and
40 the States, and with input from the independent advisory panel established under
41 subsection (d)(1)(A), shall award a grant, contract, or cooperative agreement, on a

1 competitive basis, to an institution of higher education or to a consortium of one or
2 more institutions of higher education and one or more private nonprofit organizations
3 or agencies, to carry out one or more of the activities described in subparagraph (B).

4 (B) Grant activities.—An institution or consortium receiving a grant under this
5 paragraph shall use grant funds to carry out one or more of the following activities:

6 (i) Evidence-based research and evaluation for the purpose of developing,
7 improving, and identifying the most successful methods for —

8 (I) eliminating inequities in access to, and in opportunities for, learning, skill
9 development, or effective teaching in career and technical education
10 programs; and

11 (II) addressing the education, employment, and training needs of CTE
12 participants, including special populations, in career and technical education
13 programs or programs of study.

14 (ii) Research on, and evaluation of, the impact of changes made by the
15 Strengthening Career and Technical Education for the 21st Century Act, including
16 State-by-State comparisons, where appropriate, of—

17 (I) the use of the needs assessment under section 134(c);

18 (II) the implementation of programs of study;

19 (III) how States have implemented provisions of the Act, including both fiscal
20 and programmatic elements;

21 (IV) career and technical education funding and finance models; and

22 (V) coordination with other relevant laws, including the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3101 et seq.), the Elementary and Secondary
24 Education Act of 1965, and the Higher Education Act of 1965.

25 (iii) Evidence-based research and analyses that provide longitudinal information
26 with respect to career and technical education programs and programs of study
27 and student achievement.

28 (iv) The implementation of, evaluation of, or evidence-based research of,
29 innovative methods that support high-quality implementation of career and
30 technical education programs and programs of study and student achievement
31 related to career and technical education, including—

32 (I) creating or expanding dual or concurrent enrollment program activities and
33 early college high schools;

34 (II) awarding of academic credit or academic alignment for industry
35 recognized credentials, competency-based education, or work-based learning;

36 (III) making available open, searchable, and comparable information on the
37 quality of industry recognized credentials, including the related skills or
38 competencies, attainment by CTE concentrators, related employment and
39 earnings outcomes, labor market value, and use by employers; or

40 (IV) initiatives to facilitate the transition of sub-baccalaureate career and

1 technical education students into baccalaureate degree programs, including
2 barriers affecting rural students and special populations.

3 (A) In general.— From amounts made available under subsection (e), the Secretary,
4 after consulting with the States, shall award a grant, contract, or cooperative
5 agreement, on a competitive basis, to an institution of higher education, a public or
6 private nonprofit organization or agency, or a consortium of such institutions,
7 organizations, or agencies to establish a national research center—

8 (i) to carry out scientifically based research and evaluation for the purpose of
9 developing, improving, and identifying the most successful methods for
10 addressing the education, employment, and training needs of participants,
11 including special populations, in career and technical education programs,
12 including research and evaluation in such activities as—

13 (I) the integration of—

14 (aa) career and technical instruction; and

15 (bb) academic, secondary and postsecondary instruction;

16 (II) education technology and distance learning approaches and strategies that
17 are effective with respect to career and technical education;

18 (III) State-adjusted levels of performance and State levels of performance that
19 serve to improve career and technical education programs and student
20 achievement;

21 (IV) academic knowledge and career and technical skills required for
22 employment or participation in postsecondary education; and

23 (V) preparation for occupations in high skill, high wage, or high demand
24 business and industry, including examination of—

25 (aa) collaboration between career and technical education programs and
26 business and industry; and

27 (bb) academic and technical skills required for a regional or sectoral
28 workforce, including small business;

29 (ii) to carry out scientifically based research and evaluation to increase the
30 effectiveness and improve the implementation of career and technical education
31 programs that are integrated with coherent and rigorous content aligned with
32 challenging academic standards, including conducting research and development,
33 and studies, that provide longitudinal information or formative evaluation with
34 respect to career and technical education programs and student achievement;

35 (iii) to carry out scientifically based research and evaluation that can be used to
36 improve the preparation and professional development of teachers, faculty, and
37 administrators, and to improve student learning in the career and technical
38 education classroom, including—

39 (I) effective in-service and preservice teacher and faculty education that
40 assists career and technical education programs in—

1 ~~(aa) integrating those programs with challenging State academic~~
2 ~~standards, as adopted by States under section 1111(b)(1) of the~~
3 ~~Elementary and Secondary Education Act of 1965; and~~

4 ~~(bb) coordinating technical education with industry-recognized~~
5 ~~certification requirements;~~

6 ~~(II) dissemination and training activities related to the applied research and~~
7 ~~demonstration activities described in this subsection, which may also include~~
8 ~~servicing as a repository for information on career and technical skills, State~~
9 ~~academic standards, and related materials; and~~

10 ~~(III) the recruitment and retention of career and technical education teachers,~~
11 ~~faculty, counselors, and administrators, including individuals in groups~~
12 ~~underrepresented in the teaching profession; and~~

13 ~~(iv) to carry out such other research and evaluation, consistent with the purposes~~
14 ~~of this Act, as the Secretary determines appropriate to assist State and local~~
15 ~~recipients of funds under this Act.~~

16 ~~(CB) Report.—The center~~The institution or consortium receiving a grant under this
17 paragraph conducting the activities described in subparagraph (A) shall annually
18 prepare a report containing information about the key research findings of such ~~center~~
19 entity under this paragraph and shall submit copies of the report to the Secretary and
20 the Director. The Secretary shall submit copies of the report to the relevant
21 committees of Congress, the Library of Congress, and each eligible agency.

22 ~~(CD) Dissemination.—The institution or consortium receiving a grant under this~~
23 paragraph shall conduct dissemination and training activities based on the research
24 carried out under this paragraph on a timely basis, including through dissemination
25 networks and, as appropriate and relevant, technical assistance providers within the
26 Department.~~The center shall conduct dissemination and training activities based upon~~
27 ~~the research described in subparagraph (A).~~

28 ~~(5) Demonstrations and dissemination.—The Secretary is authorized to carry out~~
29 ~~demonstration career and technical education programs, to replicate model career and~~
30 ~~technical education programs, to disseminate best practices information, and to provide~~
31 ~~technical assistance upon request of a State, for the purposes of developing, improving,~~
32 ~~and identifying the most successful methods and techniques for providing career and~~
33 ~~technical education programs assisted under this Act.~~

34 (e) Innovation and Modernization.—

35 (1) Grant program.—To identify, support, and rigorously evaluate evidence-based and
36 innovative strategies and activities to improve and modernize career and technical
37 education and align workforce skills with labor market needs as part of the State plan
38 under section 122 and local application under section 134 and the requirements of this
39 subsection, the Secretary may use not more than 20 percent of the amounts appropriated
40 under subsection (f) to award grants to eligible entities, eligible institutions, or eligible
41 recipients to carry out the activities described in paragraph (7)—

42 (2) Non-federal match.—

1 (A) Matching funds required.—Except as provided under subparagraph (B), to
2 receive a grant under this subsection, an eligible entity, eligible institution, or eligible
3 recipient shall, through cash or in-kind contributions, provide matching funds from
4 non-Federal sources in an amount equal to not less than 50 percent of the funds
5 provided under such grant.

6 (B) Exception.—The Secretary may waive the matching fund requirement under
7 subparagraph (A) if the eligible entity, eligible institution, or eligible recipient
8 demonstrates exceptional circumstances.

9 (3) Application.—To receive a grant under this subsection, an eligible entity, eligible
10 institution, or eligible recipient shall submit an application to the Secretary at such a time,
11 in such manner, and containing such information as the Secretary may require, including,
12 at a minimum—

13 (A) an identification and designation of the agency, institution, or school responsible
14 for the administration and supervision of the program assisted under this paragraph;

15 (B) a description of the budget for the project, the source and amount of the matching
16 funds required under paragraph (2)(A), and how the applicant will continue the
17 project after the grant period ends, if applicable;

18 (C) a description of how the applicant will use the grant funds, including how such
19 funds will directly benefit students, including special populations, served by the
20 applicant;

21 (D) a description of how the program assisted under this subsection will be
22 coordinated with the activities carried out under section 124 or 135;

23 (E) a description of how the career and technical education programs or programs of
24 study to be implemented with grant funds reflect the needs of regional, State, or local
25 employers, as demonstrated by the comprehensive needs assessment under section
26 134(c);

27 (F) a description of how the program assisted under this subsection will be evaluated
28 and how that evaluation may inform the report described in subsection (d)(2)(C); and

29 (G) an assurance that the applicant will—

30 (i) provide information to the Secretary, as requested, for evaluations that the
31 Secretary may carry out; and

32 (ii) make data available to third parties for validation, in accordance with
33 applicable data privacy laws, including section 444 of the General Education
34 Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational
35 Rights and Privacy Act of 1974’);

36 (4) Priority.—In awarding grants under this subsection, the Secretary shall give priority
37 to applications from eligible entities, eligible institutions, or eligible recipients that will
38 predominantly serve students from low-income families.

39 (5) Geographic diversity.—

40 (A) In general.—In awarding grants under this subsection, the Secretary shall award

1 no less than 25 percent of the total available funds for any fiscal year to eligible
2 entities, eligible institutions, or eligible recipients proposing to fund career and
3 technical education activities that serve—

4 (i) a local educational agency with an urban-centric district locale code of 32, 33,
5 41, 42, or 43, as determined by the Secretary;

6 (ii) an institution of higher education primarily serving the one or more areas
7 served by such a local educational agency;

8 (iii) a consortium of such local educational agencies or such institutions of higher
9 education;

10 (iv) a partnership between—

11 (I) an educational service agency or a nonprofit organization; and

12 (II) such a local educational agency or such an institution of higher education;
13 or

14 (v) a partnership between—

15 (I) a grant recipient described in clause (i) or (ii); and

16 (II) a State educational agency.

17 (B) Exception.—Notwithstanding subparagraph (A), the Secretary shall reduce the
18 amount of funds made available under such clause if the Secretary does not receive a
19 sufficient number of applications of sufficient quality.

20 (6) Duration—

21 (A) In General.—Grants awarded under this subsection shall be for a period of not
22 more than 3 years.

23 (B) Extension.—The Secretary may extend such grants for not more than 1 additional
24 2-year period if the grantee demonstrates to the Secretary that the grantee is achieving
25 the grantee's program objectives and, as applicable, has improved education
26 outcomes for career and technical education students, including special populations.

27 (7) Uses of funds.— An eligible entity, eligible institution, or eligible recipient that is
28 awarded a grant under this subsection shall use the grant funds to create, develop,
29 implement, replicate, or take to scale evidence-based, field-initiated innovations to
30 modernize and improve effectiveness and alignment of career and technical education
31 and to improve student outcomes in career and technical education, and rigorously
32 evaluate such innovations, through one or more of the following activities—

33 (A) Designing and implementing courses or programs of study aligned to labor
34 market needs in new or emerging fields and working with industry to upgrade
35 equipment, technology, and related curriculum used in career and technical education
36 programs, which is needed for the development, expansion, and implementation of
37 State-approved career and technical education programs of study, including—

38 (i) the development or acquisition of instructional materials associated with the
39 equipment and technology purchased by an eligible entity, eligible institution, or
40 eligible recipient through the grant; or

1 (ii) efforts to expand, develop, or implement programs designed to increase
2 opportunities for students to take rigorous courses in coding or computer science
3 subject areas, and support for statewide efforts to increase access and
4 implementation of coding or computer science courses in order to meet local labor
5 market needs in occupations that require skills in those subject areas.

6 (B) Improving career and technical education outcomes of students served by eligible
7 entities, eligible institutions, or eligible recipients through activities such as —

8 (i) supporting the development and enhancement of innovative delivery models
9 for career and technical education related work-based learning, including school-
10 based simulated work sites, mentoring, work site visits, job shadowing, project-
11 based learning, and skills-based and paid internships;

12 (ii) increasing the effective use of technology within career and technical
13 education programs and programs of study;

14 (iii) supporting new models for integrating academic content at the secondary and
15 postsecondary level in career and technical education; or

16 (iv) integrating science, technology, engineering, and mathematics fields,
17 including computer science education, with career and technical education.

18 (C) Improving the transition of students—

19 (i) from secondary education to postsecondary education or employment through
20 programs, activities, or services that may include the creation, development, or
21 expansion of dual or concurrent enrollment, articulation agreements, credit
22 transfer agreements, and competency based education; or

23 (ii) from the completion of one postsecondary program to another postsecondary
24 program that awards a recognized postsecondary credential.

25 (D) Supporting the development and enhancement of innovative delivery models for
26 career and technical education.

27 (E) Working with industry to design and implement courses or programs of study
28 aligned to labor market needs in new or emerging fields.

29 (F) Supporting innovative approaches to career and technical education by
30 redesigning the high school experience for students, which may include evidence-
31 based transitional support strategies for students who have not met postsecondary
32 education eligibility requirements;

33 (G) Creating or expanding recruitment, retention or professional development
34 activities for career and technical education teachers, faculty, school leaders,
35 administrators, specialized instructional support personnel, career guidance and
36 academic counselors, and paraprofessionals, which may include—

37 (i) providing resources and training to improve instruction for, and provide
38 appropriate accommodations to, special populations;

39 (ii) externships or site visits with business and industry;

40 (iii) the integration of coherent and rigorous academic content standards and

1 career and technical education curricula, including through opportunities for
2 appropriate academic and career and technical education teachers to jointly
3 develop and implement curricula and pedagogical strategies;

4 (iv) mentoring by experienced teachers;—

5 (v) providing resources or assistance with meeting State teacher licensure and
6 credential requirements; or

7 (vi) training for career guidance and academic counselors at the secondary level to
8 improve awareness of postsecondary education and postsecondary career options,
9 and improve the ability of such counselors to communicate to students the career
10 opportunities and employment trends.

11 (H) Improving CTE concentrator employment outcomes in non-traditional fields.

12 (I) Supporting the use of career and technical education programs and programs of
13 study in coordinated strategy to address identified employer needs and workforce
14 shortages, such as shortages in early childhood, elementary school, and secondary
15 school education workforce.

16 (J) Providing integrated student support that addresses the comprehensive needs of
17 students, such as incorporating accelerated and differentiated learning opportunities
18 supported by evidence-based strategies for special populations.

19 (K) Establishing an online portal for career and technical education students,
20 including special populations, preparing for postsecondary career and technical
21 education, which may include opportunities for mentoring, gaining financial literacy
22 skills, and identifying career opportunities and interests, and a platform to establish
23 online savings accounts to be used exclusively for postsecondary CTE programs and
24 programs of study.

25 (L) Developing and implementing a pay for success initiative.

26 (8) Evaluation.—Each eligible entity, eligible institution, or eligible recipient receiving a
27 grant under this subsection shall provide for an independent evaluation of the activities
28 carried out using such grant and submit to the Secretary an annual report that includes—

29 (A) a description of how funds received under this paragraph were used;

30 (B) the performance of the eligible entity, eligible institution, or eligible recipient
31 with respect to, at a minimum, the performance indicators described under section
32 113, as applicable, and disaggregated by—

33 (i) subgroups of students described in section 1111(c)(2)(B) of the Elementary
34 and Secondary Education Act of 1965;

35 (ii) special populations; and

36 (iii) as appropriate, each career and technical education program and program of
37 study; and

38 (C) a quantitative analysis of the effectiveness of the project carried out under this
39 paragraph.

40 (ef) Authorization of Appropriations.—There are authorized to be appropriated to carry out

1 this section ~~such sums as may be necessary for each of fiscal years 2007 through 2012.~~

2 ~~(1) \$7,651,051 for fiscal year 2019;~~

3 ~~(2) \$7,758,166 for fiscal year 2020;~~

4 ~~(3) \$7,866,780 for fiscal year 2021;~~

5 ~~(4) \$7,976,915 for fiscal year 2022;~~

6 ~~(5) \$8,088,592 for fiscal year 2023; and~~

7 ~~(6) \$8,201,832 for fiscal year 2024.~~

8
9 **SEC. 115. [20 U.S.C. 2325] ASSISTANCE FOR THE**
10 **OUTLYING AREAS.**

11 (a) Outlying Areas.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary
12 shall—

13 (1) make a grant in the amount of \$660,000 to Guam;

14 (2) make a grant in the amount of \$350,000 to each of American Samoa and the
15 Commonwealth of the Northern Mariana Islands; and

16 (3) make a grant of \$160,000 to the Republic of Palau, subject to subsection (b).

17 ~~(b) Remainder.—~~

18 ~~(1) First year.—Subject to subsection (a), for the first fiscal year following the date of~~
19 ~~enactment of the Carl D. Perkins Career and Technical Education Improvement Act of~~
20 ~~2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to~~
21 ~~section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii,~~
22 ~~to make grants for career and technical education and training in Guam, American~~
23 ~~Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of~~
24 ~~providing direct career and technical educational services, including—~~

25 ~~(A) teacher and counselor training and retraining;~~

26 ~~(B) curriculum development; and~~

27 ~~(C) the improvement of career and technical education and training programs in~~
28 ~~secondary schools and institutions of higher education, or improving cooperative~~
29 ~~education programs involving secondary schools and institutions of higher education.~~

30 ~~(2) Subsequent years.—Subject to subsection (a), for the second fiscal year following the~~
31 ~~date of enactment of the Carl D. Perkins Career and Technical Education Improvement~~
32 ~~Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder~~
33 ~~of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal~~
34 ~~proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern~~
35 ~~Mariana Islands, to be used to provide direct career and technical educational services as~~
36 ~~described in subparagraphs (A) through (C) of paragraph (1).~~

37 ~~(c) Limitation.—The Pacific Region Educational Laboratory may use not more than 5~~

1 ~~percent of the funds received under subsection (b)(1) for administrative costs.~~

2 (db) Restriction.—The Republic of Palau shall cease to be eligible to receive funding under
3 this section upon entering into an agreement for an extension of United States educational
4 assistance under the Compact of Free Association, unless otherwise provided in such
5 agreement.

7 SEC. 116. [20 U.S.C. 2326] NATIVE AMERICAN 8 PROGRAMS.

9 (a) Definitions.—In this section:

10 (1) Alaska ~~N~~ative.—The term “Alaska Native” means a Native as such term is defined
11 in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

12 (2) Bureau-funded school.—The term “Bureau-funded school” has the meaning given the
13 term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

14 ~~(3) Indian, indian tribe, and tribal organization.—The terms “Indian”, “Indian tribe”, and
15 “tribal organization” have the meanings given the terms in section 4 of the Indian Self-
16 Determination and Education Assistance Act (25 U.S.C. 450b).~~

17 (34) Native ~~H~~awaiian.—The term “Native Hawaiian” means any individual any of
18 whose ancestors were natives, prior to 1778, of the area which now comprises the State
19 of Hawaii.

20 ~~(45) Native ~~H~~awaiian organization.—The term “Native Hawaiian organization” has the
21 meaning given the term in section 6207 of the Native Hawaiian Education Act (20 U.S.C.
22 7517).~~

23 (b) Program Authorized.—

24 (1) Authority.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall
25 make grants to or enter into contracts with Indian ~~tribes Tribes~~, ~~tribal Tribal~~ organizations,
26 and Alaska Native entities to carry out the authorized programs described in subsection
27 (c), except that such grants or contracts shall not be awarded to secondary school
28 programs in Bureau-funded schools.

29 (2) Indian ~~tribes Tribes~~ and ~~tribal Tribal~~ organizations.—The grants or contracts
30 described in this section that are awarded to any Indian ~~tribe Tribe~~ or ~~tribal Tribal~~
31 organization shall be subject to the terms and conditions of section 102 of the Indian Self-
32 Determination Act (25 U.S.C. ~~450f5321~~) and shall be conducted in accordance with the
33 provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. ~~455-4575345-~~
34 ~~5347~~), which are relevant to the programs administered under this subsection.

35 (3) Special authority relating to secondary schools operated or supported by the ~~Bureau~~
36 ~~of Indian Education~~ ~~bureau of indian affairs~~.—An Indian ~~tribe Tribe~~, a ~~tribal Tribal~~ organization, or
37 an Alaska Native entity, that receives funds through a grant made or contract entered into
38 under paragraph (1) may use the funds to provide assistance to a secondary school
39 operated or supported by the ~~Bureau of Indian Education~~ ~~Bureau of Indian Affairs~~ to
40 enable such school to carry out career and technical education programs.

1 (4) Matching.—If sufficient funding is available, the Bureau of Indian Education~~Bureau~~
2 ~~of Indian Affairs~~ shall expend an amount equal to the amount made available under this
3 subsection, relating to programs for Indians, to pay a part of the costs of programs funded
4 under this subsection. During each fiscal year the Bureau of Indian Education~~Bureau of~~
5 ~~Indian Affairs~~ shall expend not less than the amount expended during the prior fiscal year
6 on career and technical education programs, services, and technical activities
7 administered directly by, or under contract with, the Bureau of Indian Education~~Bureau~~
8 ~~of Indian Affairs~~, except that in no year shall funding for such programs, services, and
9 activities be provided from accounts and programs that support other Indian education
10 programs. The Secretary and the Director of the Bureau of Indian Education~~Assistant~~
11 ~~Secretary of the Interior for Indian Affairs~~ shall prepare jointly a plan for the expenditure
12 of funds made available and for the evaluation of programs assisted under this subsection.
13 Upon the completion of a joint plan for the expenditure of the funds and the evaluation of
14 the programs, the Secretary shall assume responsibility for the administration of the
15 program, with the assistance and consultation of the Bureau of Indian Education~~Bureau~~
16 ~~of Indian Affairs~~.

17 (5) Regulations.—If the Secretary promulgates any regulations applicable to paragraph
18 (2), the Secretary shall—

19 (A) confer with, and allow for active participation by, representatives of Indian
20 ~~tribes~~Tribes, ~~tribal~~Tribal organizations, and individual ~~tribal~~Tribal members; and

21 (B) promulgate the regulations under subchapter III of chapter 5 of title 5, United
22 States Code, commonly known as the “Negotiated Rulemaking Act of 1990”.

23 (6) Application.—Any Indian ~~tribe~~Tribe, ~~tribal~~Tribal organization, or Bureau-funded
24 school eligible to receive assistance under this subsection may apply individually or as
25 part of a consortium with another such Indian ~~tribe~~Tribe, ~~tribal~~Tribal organization, or
26 Bureau-funded school.

27 (c) Authorized Activities.—

28 (1) Authorized programs.—Funds made available under this section shall be used to carry
29 out career and technical education programs consistent with the purpose of this Act.

30 (2) Special rule.—Notwithstanding section 3(5)(A)(iii), funds made available under this
31 section may be used to provide preparatory, refresher, and remedial education services
32 that are designed to enable students to achieve success in career and technical education
33 programs or programs of study.

34 ~~(3)~~ Stipends.—

35 (A) In general.—Funds received pursuant to grants or contracts awarded under
36 subsection (b) may be used to provide stipends to students who are enrolled in career
37 and technical education programs and who have acute economic needs which cannot
38 be met through work-study programs.

39 (B) Amount.—Stipends described in subparagraph (A) shall not exceed reasonable
40 amounts as prescribed by the Secretary.

41 (d) Grant or Contract Application.—In order to receive a grant or contract under this section,
42 an organization, ~~tribe~~Tribe, or entity described in subsection (b) shall submit an application

1 to the Secretary that shall include an assurance that such organization, ~~tribe~~Tribe, or entity
2 shall comply with the requirements of this section.

3 (e) Restrictions and Special Considerations.—The Secretary may not place upon grants
4 awarded or contracts entered into under subsection (b) any restrictions relating to programs
5 other than restrictions that apply to grants made to or contracts entered into with States
6 pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering
7 into contracts under this section, shall ensure that the grants and contracts will improve
8 career and technical education programs, and shall give special consideration to—

9 (1) programs that involve, coordinate with, or encourage ~~tribe~~Tribal economic development
10 plans; and

11 (2) applications from tribally controlled colleges or universities that—

12 (A) are accredited or are candidates for accreditation by a nationally recognized
13 accreditation organization as an institution of postsecondary career and technical
14 education; or

15 (B) operate career and technical education programs that are accredited or are
16 candidates for accreditation by a nationally recognized accreditation organization, and
17 issue certificates for completion of career and technical education programs.

18 (f) Consolidation of Funds.—Each organization, ~~tribe~~Tribe, or entity receiving assistance
19 under this section may consolidate such assistance with assistance received from related
20 programs in accordance with the provisions of the Indian Employment, Training and Related
21 Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

22 (g) Nonduplicative and Nonexclusive Services.—Nothing in this section shall be construed—

23 (1) to limit the eligibility of any organization, ~~tribe~~Tribe, or entity described in subsection
24 (b) to participate in any activity offered by an eligible agency or eligible recipient under
25 this title; or

26 (2) to preclude or discourage any agreement, between any organization, ~~tribe~~Tribe, or
27 entity described in subsection (b) and any eligible agency or eligible recipient, to
28 facilitate the provision of services by such eligible agency or eligible recipient to the
29 population served by such eligible agency or eligible recipient.

30 (h) Native Hawaiian Programs.—From the funds reserved pursuant to section
31 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with community-
32 based organizations primarily serving and representing Native Hawaiians to plan, conduct,
33 and administer programs, or portions thereof, which are authorized by and consistent with the
34 provisions of this section for the benefit of Native Hawaiians.

35
36 **SEC. 117. [20 U.S.C. 2327] TRIBALLY CONTROLLED**
37 **POSTSECONDARY CAREER AND TECHNICAL**
38 **INSTITUTIONS.**

39 (a) Grant Program.—Subject to the availability of appropriations, the Secretary shall make

1 grants under this section, to provide basic support for the education and training of Indian
2 students, to tribally controlled postsecondary career and technical institutions that are not
3 receiving Federal assistance as of the date on which the grant is provided under—

4 (1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25
5 U.S.C. 1802 et seq.); or

6 (2) the Navajo Community College Act ([Public Law 92-189; 85 Stat. 646](#)). (~~25 U.S.C.
7 640a et seq.~~)

8 (b) Uses of Grants.—Amounts made available under this section shall be used for career and
9 technical education programs for Indian students and for the institutional support costs of the
10 grant, including the expenses described in subsection (e).

11 (c) Amount of Grants.—

12 (1) In general.—If the sums appropriated for any fiscal year for grants under this section
13 are not sufficient to pay in full the total amount which approved applicants are eligible to
14 receive under this section for such fiscal year, the Secretary shall first allocate to each
15 such applicant who received funds under this part for the preceding fiscal year an amount
16 equal to 100 percent of the product of the per capita payment for the preceding fiscal year
17 and such applicant's Indian student count for the current program year, plus an amount
18 equal to the actual cost of any increase to the per capita figure resulting from inflationary
19 increases to necessary costs beyond the institution's control.

20 (2) Per capita determination.—For the purposes of paragraph (1), the per capita payment
21 for any fiscal year shall be determined by dividing the amount available for grants to
22 tribally controlled postsecondary career and technical institutions under this section for
23 such program year by the sum of the Indian student counts of such institutions for such
24 program year. The Secretary shall, on the basis of the most accurate data available from
25 the institutions, compute the Indian student count for any fiscal year for which such count
26 was not used for the purpose of making allocations under this section.

27 (3) Indirect costs.—Notwithstanding any other provision of law or regulation, the
28 Secretary shall not require the use of a restricted indirect cost rate for grants issued under
29 this section.

30 (d) Applications.—To be eligible to receive a grant under this section, a tribally controlled
31 postsecondary career and technical institution that is not receiving Federal assistance under
32 title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C.
33 1802 et seq.) or the Navajo Community College Act ([Public Law 92-189; 85 Stat. 646](#)) (~~25
34 U.S.C. 640a et seq.~~) shall submit to the Secretary an application at such time, in such manner,
35 and containing such information as the Secretary may require.

36 (e) Expenses.—

37 (1) In general.—The Secretary shall, subject to the availability of appropriations, provide
38 for each program year to each tribally controlled postsecondary career and technical
39 institution having an application approved by the Secretary, an amount necessary to pay
40 expenses associated with—

41 (A) the maintenance and operation of the program, including development costs,
42 costs of basic and special instruction (including special programs for individuals with

1 disabilities and academic instruction), materials, student costs, administrative
2 expenses, boarding costs, transportation, student services, daycare and family support
3 programs for students and their families (including contributions to the costs of
4 education for dependents), and student stipends;

5 (B) capital expenditures, including operations and maintenance, and minor
6 improvements and repair, and physical plant maintenance costs, for the conduct of
7 programs funded under this section;

8 (C) costs associated with repair, upkeep, replacement, and upgrading of the
9 instructional equipment; and

10 (D) institutional support of career and technical education.

11 (2) Accounting.—Each institution receiving a grant under this section shall provide
12 annually to the Secretary an accurate and detailed accounting of the institution’s
13 operating and maintenance expenses and such other information concerning costs as the
14 Secretary may reasonably require.

15 (f) Other Programs.—

16 (1) In general.—Except as specifically provided in this Act, eligibility for assistance
17 under this section shall not preclude any tribally controlled postsecondary career and
18 technical institution from receiving Federal financial assistance under any program
19 authorized under the Higher Education Act of 1965, or under any other applicable
20 program for the benefit of institutions of higher education or career and technical
21 education.

22 (2) Prohibition on alteration of grant amount.—The amount of any grant for which
23 tribally controlled postsecondary career and technical institutions are eligible under this
24 section shall not be altered because of funds allocated to any such institution from funds
25 appropriated under the Act of November 2, 1921 (commonly known as the “Snyder Act”)
26 (25 U.S.C. 13).

27 (3) Prohibition on contract denial.—No tribally controlled postsecondary career and
28 technical institution for which an Indian Tribe has designated a portion of the funds
29 appropriated for the Tribe from funds appropriated under the Act of November 2, 1921
30 (25 U.S.C. 13), may be denied a contract for such portion under the Indian Self-
31 Determination and Education Assistance Act (except as provided in that Act), or denied
32 appropriate contract support to administer such portion of the appropriated funds.

33 (g) Complaint Resolution Procedure.—The Secretary shall establish (after consultation with
34 tribally controlled postsecondary career and technical institutions) a complaint resolution
35 procedure for grant determinations and calculations under this section for tribally controlled
36 postsecondary career and technical institutions.

37 (h) Definitions.—In this section:

38 (1) Indian; ~~Indian tribe~~Tribe.—The terms “Indian” and “Indian Tribe” have the
39 meanings given the terms “Indian” and “Indian tribe”, respectively, in section 2 of the
40 Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

41 (2) Indian student count.—

1 (A) In general.—The term “Indian student count” means a number equal to the total
2 number of Indian students enrolled in each tribally controlled postsecondary career
3 and technical institution, as determined in accordance with subparagraph (B).

4 (B) Determination.—

5 (i) Enrollment.—For each academic year, the Indian student count shall be
6 determined on the basis of the enrollments of Indian students as in effect at the
7 conclusion of—

8 (I) in the case of the fall term, the third week of the fall term; and

9 (II) in the case of the spring term, the third week of the spring term.

10 (ii) Calculation.—For each academic year, the Indian student count for a tribally
11 controlled postsecondary career and technical institution shall be the quotient
12 obtained by dividing—

13 (I) the sum of the credit hours of all Indian students enrolled in the tribally
14 controlled postsecondary career and technical institution (as determined under
15 clause (i)); by

16 (II) 12.

17 (iii) Summer term.—Any credit earned in a class offered during a summer term
18 shall be counted in the determination of the Indian student count for the
19 succeeding fall term.

20 (iv) Students without secondary school degrees.—

21 (I) In general.—A credit earned at a tribally controlled postsecondary career
22 and technical institution by any Indian student that has not obtained a
23 secondary school degree (or the recognized equivalent of such a degree) shall
24 be counted toward the determination of the Indian student count if the
25 institution at which the student is enrolled has established criteria for the
26 admission of the student on the basis of the ability of the student to benefit
27 from the education or training of the institution.

28 (II) Presumption.—The institution shall be presumed to have established the
29 criteria described in subclass (I) if the admission procedures for the
30 institution include counseling or testing that measures the aptitude of a student
31 to successfully complete a course in which the student is enrolled.

32 (III) Credits toward secondary school degree.—No credit earned by an Indian
33 student for the purpose of obtaining a secondary school degree (or the
34 recognized equivalent of such a degree) shall be counted toward the
35 determination of the Indian student count under this clause.

36 (v) Continuing education programs.—Any credit earned by an Indian student in a
37 continuing education program of a tribally controlled postsecondary career and
38 technical institution shall be included in the determination of the sum of all credit
39 hours of the student if the credit is converted to a credit hour basis in accordance
40 with the system of the institution for providing credit for participation in the
41 program.

1 (i) Authorization of Appropriations.—There are authorized to be appropriated to carry out
2 this section—~~such sums as may be necessary for each of fiscal years 2007 through 2012.~~

3 ~~(1) \$9,762,539 for fiscal year 2019;~~

4 ~~(2) \$9,899,215 for fiscal year 2020;~~

5 ~~(3) \$10,037,804 for fiscal year 2021;~~

6 ~~(4) \$10,178,333 for fiscal year 2022;~~

7 ~~(5) \$10,320,829 for fiscal year 2023; and~~

8 ~~(6) \$10,465,321 for fiscal year 2024.~~

9
10 ~~SEC. 118. [20 U.S.C. 2328] OCCUPATIONAL AND~~
11 ~~EMPLOYMENT INFORMATION.~~

12 ~~(a) National Activities. — From funds appropriated under subsection (g), the Secretary, in~~
13 ~~consultation with appropriate Federal agencies, is authorized—~~

14 ~~(1) to provide assistance to an entity to enable the entity—~~

15 ~~(A) to provide technical assistance to State entities designated under subsection (c) to~~
16 ~~enable the State entities to carry out the activities described in such subsection;~~

17 ~~(B) to disseminate information that promotes the replication of high quality practices~~
18 ~~described in subsection (c); and~~

19 ~~(C) to develop and disseminate products and services related to the activities~~
20 ~~described in subsection (c); and~~

21 ~~(2) to award grants to States that designate State entities in accordance with subsection~~
22 ~~(e) to enable the State entities to carry out the State level activities described in such~~
23 ~~subsection.~~

24 ~~(b) State Application.—~~

25 ~~(1) In general. — A jointly designated State entity described in subsection (c) that desires~~
26 ~~to receive a grant under this section shall submit an application to the Secretary at the~~
27 ~~same time the State submits its State plan under section 122, in such manner, and~~
28 ~~accompanied by such additional information, as the Secretary may reasonably require.~~

29 ~~(2) Contents. — Each application submitted under paragraph (1) shall include a~~
30 ~~description of how the jointly designated State entity described in subsection (c) will~~
31 ~~provide information based on trends provided pursuant to section 15 of the Wagner-~~
32 ~~Peyster Act to inform program development.~~

33 ~~(c) State Level Activities. — In order for a State to receive a grant under this section, the~~
34 ~~eligible agency and the Governor of the State shall jointly designate an entity in the State—~~

35 ~~(1) to provide support for career guidance and academic counseling programs designed to~~
36 ~~promote improved career and education decision making by students (and parents, as~~
37 ~~appropriate) regarding education (including postsecondary education) and training~~

1 ~~options and preparations for high skill, high wage, or high demand occupations and non-~~
2 ~~traditional fields;~~

3 ~~(2) to make available to students, parents, teachers, administrators, faculty, and career~~
4 ~~guidance and academic counselors, and to improve accessibility with respect to,~~
5 ~~information and planning resources that relate academic and career and technical~~
6 ~~educational preparation to career goals and expectations;~~

7 ~~(3) to provide academic and career and technical education teachers, faculty,~~
8 ~~administrators, and career guidance and academic counselors with the knowledge, skills,~~
9 ~~and occupational information needed to assist parents and students, especially special~~
10 ~~populations, with career exploration, educational opportunities, education financing, and~~
11 ~~exposure to high skill, high wage, or high demand occupations and non-traditional fields,~~
12 ~~including occupations and fields requiring a baccalaureate degree;~~

13 ~~(4) to assist appropriate State entities in tailoring career related educational resources and~~
14 ~~training for use by such entities, including information on high skill, high wage, or high~~
15 ~~demand occupations in current or emerging professions and on career ladder information;~~

16 ~~(5) to improve coordination and communication among administrators and planners of~~
17 ~~programs authorized by this Act and by section 15 of the Wagner Peyser Act at the~~
18 ~~Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use~~
19 ~~of shared information and data;~~

20 ~~(6) to provide ongoing means for customers, such as students and parents, to provide~~
21 ~~comments and feedback on products and services and to update resources, as appropriate,~~
22 ~~to better meet customer requirements; and~~

23 ~~(7) to provide readily available occupational information such as—~~

24 ~~(A) information relative to employment sectors;~~

25 ~~(B) information on occupation supply and demand; and~~

26 ~~(C) other information provided pursuant to section 15 of the Wagner Peyser Act as~~
27 ~~the jointly designated State entity considers relevant.~~

28 ~~(d) Nonduplication.—~~

29 ~~(1) Wagner peyser act.—The jointly designated State entity described under subsection~~
30 ~~(e) may use funds provided under subsection (a)(2) to supplement activities under section~~
31 ~~15 of the Wagner Peyser Act to the extent such activities do not duplicate activities~~
32 ~~assisted under such section.~~

33 ~~(2) Workforce innovation and opportunity Act.—None of the functions and activities~~
34 ~~assisted under this section shall duplicate the functions and activities carried out under~~
35 ~~the Workforce Innovation and Opportunity Act.~~

36 ~~(e) Funding Rule.—Of the amounts appropriated to carry out this section, the Federal entity~~
37 ~~designated under subsection (a) shall use—~~

38 ~~(1) not less than 85 percent to carry out subsection (e); and~~

39 ~~(2) not more than 15 percent to carry out subsection (a).~~

40 ~~(f) Report.—The Secretary, in consultation with appropriate Federal agencies, shall prepare~~

1 ~~and submit to the appropriate committees of Congress, an annual report that includes—~~
2 ~~(1) a description of activities assisted under this section during the prior program year;~~
3 ~~(2) a description of the specific products and services assisted under this section that were~~
4 ~~delivered in the prior program year; and~~
5 ~~(3) an assessment of the extent to which States have effectively coordinated activities~~
6 ~~assisted under this section with activities authorized under section 15 of the Wagner-~~
7 ~~Peyster Act.~~
8 ~~(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out~~
9 ~~this section such sums as may be necessary for each of the fiscal years 2007 through 2012.~~

11 PART B—STATE PROVISIONS

13 SEC. 121. [20 U.S.C. 2341] STATE ADMINISTRATION.

14 (a) Eligible Agency Responsibilities.—The responsibilities of an eligible agency under this
15 title shall include—

16 (1) coordination of the development, submission, and implementation of the State plan,
17 and the evaluation of the program, services, and activities assisted under this title,
18 including preparation for non-traditional fields;

19 (2) consultation with the Governor and appropriate agencies, groups, and individuals
20 including teachers, faculty, specialized instructional support personnel, paraprofessionals,
21 school leaders, authorized public chartering agencies and charter school leaders
22 (consistent with State law), employers, representatives of business (including small
23 businesses), labor organizations, eligible recipients, local program administrators, State
24 and local officials, Indian Tribes or Tribal organizations present in the State, parents,
25 students, and community organizations; ~~parents, students, teachers, teacher and faculty~~
26 ~~preparation programs, representatives of businesses (including small businesses), labor~~
27 ~~organizations, eligible recipients, State and local officials, and local program~~
28 ~~administrators, involved in the planning, administration, evaluation, and coordination of~~
29 ~~programs funded under this title;~~

30 (3) convening and meeting as an eligible agency (consistent with State law and procedure
31 for the conduct of such meetings) at such time as the eligible agency determines
32 necessary to carry out the eligible agency's responsibilities under this title, but not less
33 than 4 times annually; and

34 (4) the adoption of such procedures as the eligible agency considers necessary to—

35 (A) implement State level coordination with the activities undertaken by the State
36 boards under section 101 of the Workforce Innovation and Opportunity Act; and

37 (B) make available to the one-stop delivery system under section 121 of the
38 Workforce Innovation and Opportunity Act within the State a listing of all school

1 dropout, postsecondary education, and adult programs assisted under this title.

2 (b) Exception.—Except with respect to the responsibilities set forth in subsection (a), the
3 eligible agency may delegate any of the other responsibilities of the eligible agency that
4 involve the administration, operation, or supervision of activities assisted under this title, in
5 whole or in part, to 1 or more appropriate State agencies.

7 SEC. 122. [20 U.S.C. 2342] STATE PLAN.

8 (a) State Plan.—

9 (1) In general.—Each eligible agency desiring assistance under this title for any fiscal
10 year shall prepare and submit to the Secretary a State plan for a ~~46~~-year period, consistent
11 with subsection (b) and paragraph (5), together with such annual revisions as the eligible
12 agency determines to be necessary, except that, during the period described in section 4,
13 each eligible agency may submit a transition plan that shall fulfill the eligible agency's
14 obligation to submit a State plan under this section for the first fiscal year following the
15 date of enactment of the Strengthening Career and Technical Education for the 21st
16 Century Act~~Carl D. Perkins Career and Technical Education Improvement Act of 2006~~.

17 (2) Revisions.—Each eligible agency—

18 (A) may submit such annual revisions of the State plan to the Secretary as the eligible
19 agency determines to be necessary; and

20 (B) shall, after the second year of the ~~46~~-year period, conduct a review of activities
21 assisted under this title and submit any revisions of the State plan that the eligible
22 agency determines necessary to the Secretary.

23 (3) Hearing process.—The eligible agency shall conduct public hearings in the State,
24 after appropriate and sufficient notice, for the purpose of affording all segments of the
25 public and interested organizations and groups (including teachers, faculty, specialized
26 instructional support personnel, paraprofessionals, school leaders, authorized public
27 chartering agencies and charter school leaders (consistent with State law), employers,
28 labor organizations, parents, students, Indian Tribes and Tribal organizations that may be
29 present in the State, and community organizations)~~(including charter school authorizers~~
30 ~~and organizers consistent with State law, employers, labor organizations, parents,~~
31 ~~students, and community organizations)~~, an opportunity to present their views and make
32 recommendations regarding the State plan. A summary of such recommendations and the
33 eligible agency's response to such recommendations shall be included in the State plan.

34 (4) Public Comment.—Each eligible agency shall make the State plan publicly available
35 for public comment for a period of not less than 30 days, by electronic means and in an
36 easily accessible format, prior to submission to the Secretary for approval under this
37 subsection. In the plan the eligible agency files under this subsection, the eligible agency
38 shall provide an assurance that public comments were taken into account in the
39 development of the State plan.

40 (5) Optional Submission of Subsequent Plans.—An eligible agency may, after the first 4-
41 year State plan is submitted under this section, submit subsequent 4-year plans not later

1 than 120 days prior to the end of the 4-year period covered by the preceding State plan or,
2 if an eligible agency chooses not to submit a State plan for a subsequent 4-year period,
3 the eligible agency shall submit, and the Secretary shall approve, annual revisions to the
4 State determined levels of performance in the same manner as revisions submitted and
5 approved under section 113(b)(3)(A)(ii).

6 (b) Options for Submission of State Plan.—

7 (1) Combined Plan.—The eligible agency may submit a combined plan that meets the
8 requirements of this section and the requirements of section 103 of the Workforce
9 Innovation and Opportunity Act (29 U.S.C. 3113).

10 (2) Notice to Secretary.—The eligible agency shall inform the Secretary of whether the
11 eligible agency intends to submit a combined plan described in paragraph (1) or a single
12 plan.

13 (c) Plan Development.—

14 (1) In general.—The eligible agency shall—

15 (A) develop the State plan in consultation with—

16 (i) representatives of secondary and postsecondary career and technical education
17 programs, including eligible recipients and representatives of 2-year minority-
18 serving institutions and historically Black colleges and universities and tribally
19 controlled colleges or universities in States where such institutions are in
20 existence, adult career and technical education providers, and charter school
21 representatives in States where such schools are in existence, which shall include
22 teachers, faculty, school leaders, specialized instructional support personnel
23 career and academic guidance counselors, and paraprofessionals;

24 (ii) interested community representatives, including parents, students and
25 community organizations;

26 (iii) representatives of the State workforce development board established under
27 section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111)
28 (referred to in this section as the “State board”);

29 (iv) members and representatives of special populations;

30 (v) representatives of business and industry (including representatives of small
31 business), which shall include representatives of industry and sector partnerships
32 in the State, as appropriate, and representatives of labor organizations in the State;

33 (vi) representatives of agencies serving out-of-school youth, homeless children
34 and youth, and at-risk youth, including the State Coordinator for Education of
35 Homeless Children and Youths established or designated under section 722(d)(3)
36 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

37 (vii) representatives of Indian Tribes and Tribal organizations located in, or
38 providing services in, the State; and

39 (viii) individuals with disabilities; and

40 (B) consult the Governor of the State, and the heads of other State agencies with

1 authority for career and technical education programs that are not the eligible agency,
2 with respect to the development of the State plan.

3 ~~(i) academic and career and technical education teachers, faculty, and~~
4 ~~administrators;~~

5 ~~(ii) career guidance and academic counselors;~~

6 ~~(iii) eligible recipients;~~

7 ~~(iv) charter school authorizers and organizers consistent with State law;~~

8 ~~(v) parents and students;~~

9 ~~(vi) institutions of higher education;~~

10 ~~(vii) the State tech prep coordinator and representatives of tech prep consortia (if~~
11 ~~applicable);~~

12 ~~(viii) entities participating in activities described in section 101 of the Workforce~~
13 ~~Innovation and Opportunity Act;~~

14 ~~(ix) interested community members (including parent and community~~
15 ~~organizations);~~

16 ~~(x) representatives of special populations;~~

17 ~~(xi) representatives of business and industry (including representatives of small~~
18 ~~business); and~~

19 ~~(xii) representatives of labor organizations in the State; and~~

20 ~~(B) consult the Governor of the State with respect to such development.~~

21 (2) Activities and procedures.—The eligible agency shall develop effective activities and
22 procedures, including access to information needed to use such procedures, to allow the
23 individuals and entities described in paragraph (1) to participate in State and local
24 decisions that relate to development of the State plan.

25 (3) CONSULTATION WITH THE GOVERNOR.—The consultation described in
26 paragraph (1)(B) shall include meetings of officials from the eligible agency and the
27 Governor’s office and shall occur—

28 (A) during the development of such plan; and

29 (B) prior to submission of the plan to the Secretary.

30 (de) Plan Contents.—The State plan shall include ~~information that~~—

31 (1) a summary of State-supported workforce development activities (including education
32 and training) in the State, including the degree to which the State’s career and technical
33 education programs and programs of study are aligned with and address the education
34 and skill needs of the employers in the State identified by the State board;

35 (2) the State’s strategic vision and set of goals for preparing an educated and skilled
36 workforce (including special populations) and for meeting the skilled workforce needs of
37 employers, including in existing and emerging in-demand industry sectors and
38 occupations as identified by the State, and how the State’s career and technical education

1 programs will help to meet these goals;

2 (3) a strategy for any joint planning, alignment, coordination, and leveraging of funds

3 (A) between the State’s career and technical education programs and programs of
4 study with the State’s workforce development system, to achieve the strategic vision
5 and goals described in paragraph (2), including the core programs defined in section 3
6 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) and the elements
7 related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C.
8 3112(b)(2)(B)); and

9 (B) for programs carried out under this title with other Federal programs, which may
10 include programs funded under the Elementary and Secondary Education Act of 1965
11 and Higher Education Act of 1965;

12 (4) a description of the career and technical education programs or programs of study that
13 will be supported, developed, or improved at the State level, including descriptions of—

14 (A) the programs of study to be developed at the State level and made available for
15 adoption by eligible recipients;

16 (B) the process and criteria to be used for approving locally developed programs of
17 study or career pathways, including how such programs address State workforce
18 development and education needs and the criteria to assess the extent to which the
19 local application under section 132 will—

20 (i) promote continuous improvement in academic achievement and technical skill
21 attainment;

22 (ii) expand access to career and technical education for special populations; and

23 (iii) support the inclusion of employability skills in programs of study and career
24 pathways;

25 (C) how the eligible agency will—

26 (i) make information on approved programs of study and career pathways
27 (including career exploration, work-based learning opportunities, early college
28 high schools, and dual or concurrent enrollment program opportunities) and
29 guidance and advisement resources, available to students (and parents, as
30 appropriate), representatives of secondary and postsecondary education, and
31 special populations, and to the extent practicable, provide that information and
32 those resources in a language students, parents, and educators can understand;

33 (ii) facilitate collaboration among eligible recipients in the development and
34 coordination of career and technical education programs and programs of study
35 and career pathways that include multiple entry and exit points;

36 (iii) use State, regional, or local labor market data to determine alignment of
37 eligible recipients’ programs of study to the needs of the State, regional, or local
38 economy, including in-demand sectors and occupations identified by the State
39 board, and to align career and technical education with such needs, as appropriate;

40 (iv) ensure equal access to approved career and technical education programs of

1 study and activities assisted under this Act for special populations;

2 (v) coordinate with the State board to support the local development of career
3 pathways and articulate processes by which career pathways will be developed by
4 local workforce development boards, as appropriate;

5 (vi) support effective and meaningful collaboration between secondary schools,
6 postsecondary institutions, and employers to provide students with experience in,
7 and understanding of, all aspects of an industry, which may include work-based
8 learning such as internships, mentorships, simulated work environments, and
9 other hands-on or inquiry-based learning activities; and

10 (vii) improve outcomes and reduce performance gaps for CTE concentrators,
11 including those who are members of special populations; and

12 (D) how the eligible agency may include the opportunity for secondary school
13 students to participate in dual or concurrent enrollment programs, early college high
14 school, or competency based education;

15 (5) a description of the criteria and process for how the eligible agency will approve
16 eligible recipients for funds under this Act, including how—

17 (A) each eligible recipient will promote academic achievement;

18 (B) each eligible recipient will promote skill attainment, including skill attainment
19 that leads to a recognized postsecondary credential; and

20 (C) each eligible recipient will ensure the comprehensive needs assessment under
21 section 134(c) takes into consideration local economic and education needs,
22 including, where appropriate, in-demand industry sectors and occupations;

23 (6) a description of how the eligible agency will support the recruitment and preparation
24 of teachers, including special education teachers, faculty, school principals,
25 administrators, specialized instructional support personnel, and paraprofessionals to
26 provide career and technical education instruction, leadership, and support, including
27 professional development that provides the knowledge and skills needed to work with
28 and improve instruction for special populations;

29 (7) a description of how the eligible agency will use State leadership funds under section
30 124;

31 (8) a description of how funds received by the eligible agency through the allotment
32 made under section 111 will be distributed—

33 (A) among career and technical education at the secondary level, or career and
34 technical education at the postsecondary and adult level, or both, including how such
35 distribution will most effectively provide students with the skills needed to succeed in
36 the workplace; and

37 (B) among any consortia that may be formed among secondary schools and eligible
38 institutions, and how funds will be distributed among the members of the consortia,
39 including the rationale for such distribution and how it will most effectively provide
40 students with the skills needed to succeed in the workplace;

1 (9) a description of the eligible agency’s program strategies for special populations,
2 including a description of how individuals who are members of the special populations—

3 (A) will be provided with equal access to activities assisted under this Act;

4 (B) will not be discriminated against on the basis of status as a member of a special
5 population;

6 (C) will be provided with programs designed to enable individuals who are members
7 of special populations to meet or exceed State determined levels of performance
8 described in section 113, and prepare special populations for further learning and for
9 high-skill, high-wage, or in-demand industry sectors or occupations;

10 (D) will be provided with appropriate accommodations; and

11 (E) will be provided instruction and work-based learning opportunities in integrated
12 settings that support competitive, integrated employment;

13 (10) a description of the procedure the eligible agency will adopt for determining State
14 determined levels of performance described in section 113, which, at a minimum, shall
15 include—

16 (A) a description of the process for public comment under section 113(b)(3)(B) as
17 part of the development of the State determined levels of performance under section
18 113(b);

19 (B) an explanation of the State determined levels of performance; and

20 (C) a description of how the state determined levels of performance set by the eligible
21 agency align with the levels, goals, and objectives of other Federal and State laws;

22 (11) a description of how the eligible agency will address disparities or gaps in
23 performance, as described in section 113(b)(3)(C)(ii)(II), in each of the plan years, and if
24 no meaningful progress has been achieved prior to the third program year, a description
25 of the additional actions the eligible agency will take to eliminate these disparities or
26 gaps;

27 (12) describes how the eligible agency will involve parents, academic and career and
28 technical education teachers, administrators, faculty, career guidance and academic
29 counselors, local business (including small businesses), labor organizations, and
30 representatives of Indian Tribes and Tribal organizations, as appropriate, in the planning,
31 development, implementation, and evaluation of such career and technical education
32 programs; and

33 (13) assurances that—

34 (A) the eligible agency will comply with the requirements of this Act and the
35 provisions of the State plan, including the provision of a financial audit of funds
36 received under this Act, which may be included as part of an audit of other Federal or
37 State programs;

38 (B) none of the funds expended under this Act will be used to acquire equipment
39 (including computer software) in any instance in which such acquisition results in a
40 direct financial benefit to any organization representing the interests of the acquiring

1 entity or the employees of the acquiring entity, or any affiliate of such an
2 organization;

3 (C) the eligible agency will use the funds to promote preparation for high-skill, high-
4 wage, or in-demand industry sectors or occupations and non-traditional fields, as
5 identified by the eligible agency;

6 (D) the eligible agency will use the funds provided under this Act to implement career
7 and technical education programs and programs of study for individuals in State
8 correctional institutions, including juvenile justice facilities; and

9 (E) the eligible agency will provide local educational agencies, area career and
10 technical education schools, and eligible institutions in the State with technical
11 assistance, including technical assistance on how to close gaps in student participation
12 and performance in career and technical education programs; and

13 (14) a description of the opportunities for the public to comment in person and in writing
14 on the State plan under this subsection.

15 ~~(1) describes the career and technical education activities to be assisted that are designed~~
16 ~~to meet or exceed the State adjusted levels of performance, including a description of —~~

17 ~~(A) the career and technical programs of study, which may be adopted by local~~
18 ~~educational agencies and postsecondary institutions to be offered as an option to~~
19 ~~students (and their parents as appropriate) when planning for and completing future~~
20 ~~coursework, for career and technical content areas that —~~

21 ~~(i) incorporate secondary education and postsecondary education elements;~~

22 ~~(ii) include coherent and rigorous content aligned with challenging academic~~
23 ~~standards and relevant career and technical content in a coordinated,~~
24 ~~nonduplicative progression of courses that align secondary education with~~
25 ~~postsecondary education to adequately prepare students to succeed in~~
26 ~~postsecondary education;~~

27 ~~(iii) may include the opportunity for secondary education students to participate in~~
28 ~~dual or concurrent enrollment programs or other ways to acquire postsecondary~~
29 ~~education credits; and~~

30 ~~(iv) lead to an industry-recognized credential or certificate at the postsecondary~~
31 ~~level, or an associate or baccalaureate degree;~~

32 ~~(B) how the eligible agency, in consultation with eligible recipients, will develop and~~
33 ~~implement the career and technical programs of study described in subparagraph (A);~~

34 ~~(C) how the eligible agency will support eligible recipients in developing and~~
35 ~~implementing articulation agreements between secondary education and~~
36 ~~postsecondary education institutions;~~

37 ~~(D) how the eligible agency will make available information about career and~~
38 ~~technical programs of study offered by eligible recipients;~~

39 ~~(E) the secondary and postsecondary career and technical education programs to be~~
40 ~~carried out, including programs that will be carried out by the eligible agency to~~

1 develop, improve, and expand access to appropriate technology in career and
2 technical education programs;

3 ~~(F) the criteria that will be used by the eligible agency to approve eligible recipients
4 for funds under this Act, including criteria to assess the extent to which the local plan
5 will—~~

6 ~~(i) promote continuous improvement in academic achievement;~~

7 ~~(ii) promote continuous improvement of technical skill attainment; and~~

8 ~~(iii) identify and address current or emerging occupational opportunities;~~

9 ~~(G) how programs at the secondary level will prepare career and technical education
10 students, including special populations, to graduate from secondary school with a
11 diploma;~~

12 ~~(H) how such programs will prepare career and technical education students,
13 including special populations, academically and technically for opportunities in
14 postsecondary education or entry into high skill, high wage, or high demand
15 occupations in current or emerging occupations, and how participating students will
16 be made aware of such opportunities;~~

17 ~~(I) how funds will be used to improve or develop new career and technical education
18 courses—~~

19 ~~(i) at the secondary level that are aligned with challenging State academic
20 standards adopted by the State under section 1111(b)(1) of the Elementary and
21 Secondary Education Act of 1965;~~

22 ~~(ii) at the postsecondary level that are relevant and challenging; and~~

23 ~~(iii) that lead to employment in high skill, high wage, or high demand
24 occupations;~~

25 ~~(J) how the eligible agency will facilitate and coordinate communication on best
26 practices among successful recipients of tech prep program grants under title II and
27 eligible recipients to improve program quality and student achievement;~~

28 ~~(K) how funds will be used effectively to link academic and career and technical
29 education at the secondary level and at the postsecondary level in a manner that
30 increases student academic and career and technical achievement; and~~

31 ~~(L) how the eligible agency will report on the integration of coherent and rigorous
32 content aligned with challenging academic standards in career and technical
33 education programs in order to adequately evaluate the extent of such integration;~~

34 ~~(2) describes how comprehensive professional development (including initial teacher
35 preparation and activities that support recruitment) for career and technical education
36 teachers, faculty, administrators, and career guidance and academic counselors will be
37 provided, especially professional development that—~~

38 ~~(A) promotes the integration of coherent and rigorous academic content standards and
39 career and technical education curricula, including through opportunities for the
40 appropriate academic and career and technical education teachers to jointly develop~~

- 1 and implement curricula and pedagogical strategies, as appropriate;
- 2 ~~(B) increases the percentage of teachers that meet teacher certification or licensing~~
3 ~~requirements;~~
- 4 ~~(C) is high quality, sustained, intensive, and focused on instruction, and increases the~~
5 ~~academic knowledge and understanding of industry standards, as appropriate, of~~
6 ~~career and technical education teachers;~~
- 7 ~~(D) encourages applied learning that contributes to the academic and career and~~
8 ~~technical knowledge of the student;~~
- 9 ~~(E) provides the knowledge and skills needed to work with and improve instruction~~
10 ~~for special populations;~~
- 11 ~~(F) assists in accessing and utilizing data, including data provided under section 118,~~
12 ~~student achievement data, and data from assessments; and~~
- 13 ~~(G) promotes integration with professional development activities that the State~~
14 ~~carries out under title II of the Elementary and Secondary Education Act of 1965 and~~
15 ~~title II of the Higher Education Act of 1965;~~
- 16 ~~(3) describes efforts to improve—~~
- 17 ~~(A) the recruitment and retention of career and technical education teachers, faculty,~~
18 ~~and career guidance and academic counselors, including individuals in groups~~
19 ~~underrepresented in the teaching profession; and~~
- 20 ~~(B) the transition to teaching from business and industry, including small business;~~
- 21 ~~(4) describes efforts to facilitate the transition of subbaccalaureate career and technical~~
22 ~~education students into baccalaureate degree programs at institutions of higher education;~~
- 23 ~~(5) describes how the eligible agency will actively involve parents, academic and career~~
24 ~~and technical education teachers, administrators, faculty, career guidance and academic~~
25 ~~counselors, local business (including small businesses), and labor organizations in the~~
26 ~~planning, development, implementation, and evaluation of such career and technical~~
27 ~~education programs;~~
- 28 ~~(6) describes how funds received by the eligible agency through the allotment made~~
29 ~~under section 111 will be allocated—~~
- 30 ~~(A) among career and technical education at the secondary level, or career and~~
31 ~~technical education at the postsecondary and adult level, or both, including the~~
32 ~~rationale for such allocation; and~~
- 33 ~~(B) among any consortia that will be formed among secondary schools and eligible~~
34 ~~institutions, and how funds will be allocated among the members of the consortia,~~
35 ~~including the rationale for such allocation;~~
- 36 ~~(7) describes how the eligible agency will—~~
- 37 ~~(A) improve the academic and technical skills of students participating in career and~~
38 ~~technical education programs, including strengthening the academic and career and~~
39 ~~technical components of career and technical education programs through the~~
40 ~~integration of academics with career and technical education to ensure learning in—~~

1 (i) a well-rounded education (as defined in section 8101 of the Elementary and
2 Secondary Education Act of 1965); and

3 (ii) career and technical education subjects;

4 (B) provide students with strong experience in, and understanding of, all aspects of an
5 industry; and

6 (C) ensure that students who participate in such career and technical education
7 programs are taught to the same challenging academic proficiencies as are taught to
8 all other students;

9 (8) describes how the eligible agency will annually evaluate the effectiveness of such
10 career and technical education programs, and describe, to the extent practicable, how the
11 eligible agency is coordinating such programs to ensure nonduplication with other
12 Federal programs;

13 (9) describes the eligible agency's program strategies for special populations, including a
14 description of how individuals who are members of the special populations—

15 (A) will be provided with equal access to activities assisted under this Act;

16 (B) will not be discriminated against on the basis of their status as members of the
17 special populations; and

18 (C) will be provided with programs designed to enable the special populations to
19 meet or exceed State adjusted levels of performance, and prepare special populations
20 for further learning and for high skill, high wage, or high demand occupations;

21 (10) describes—

22 (A) the eligible agency's efforts to ensure that eligible recipients are given the
23 opportunity to provide input in determining the State adjusted levels of performance
24 described in section 113; and

25 (B) how the eligible agency, in consultation with eligible recipients, will develop a
26 process for the negotiation of local adjusted levels of performance under section
27 113(b)(4) if an eligible recipient does not accept the State adjusted levels of
28 performance under section 113(b)(3);

29 (11) provides assurances that the eligible agency will comply with the requirements of
30 this Act and the provisions of the State plan, including the provision of a financial audit
31 of funds received under this Act which may be included as part of an audit of other
32 Federal or State programs;

33 (12) provides assurances that none of the funds expended under this Act will be used to
34 acquire equipment (including computer software) in any instance in which such
35 acquisition results in a direct financial benefit to any organization representing the
36 interests of the acquiring entity or the employees of the acquiring entity, or any affiliate
37 of such an organization;

38 (13) describes how the eligible agency will report data relating to students participating in
39 career and technical education in order to adequately measure the progress of the
40 students, including special populations, and how the eligible agency will ensure that the

1 data reported to the eligible agency from local educational agencies and eligible
2 institutions under this title and the data the eligible agency reports to the Secretary are
3 complete, accurate, and reliable;

4 (14) describes how the eligible agency will adequately address the needs of students in
5 alternative education programs, if appropriate;

6 (15) describes how the eligible agency will provide local educational agencies, area
7 career and technical education schools, and eligible institutions in the State with technical
8 assistance;

9 (16) describes how career and technical education relates to State and regional
10 occupational opportunities;

11 (17) describes the methods proposed for the joint planning and coordination of programs
12 carried out under this title with other Federal education programs;

13 (18) describes how funds will be used to promote preparation for high skill, high wage, or
14 high demand occupations and non-traditional fields;

15 (19) describes how funds will be used to serve individuals in State correctional
16 institutions; and

17 (20) contains the description and information specified in subparagraphs (B) and (C)(iii)
18 of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(e), of the
19 Workforce Innovation and Opportunity Act concerning the provision of services only for
20 postsecondary students and school dropouts.

21 ~~(d) Plan Options.—~~

22 ~~(1) Single plan.—An eligible agency not choosing to consolidate funds under section 202~~
23 ~~shall fulfill the plan or application submission requirements of this section, and section~~
24 ~~201(e), by submitting a single State plan. In such plan, the eligible agency may allow~~
25 ~~recipients to fulfill the plan or application submission requirements of section 134 and~~
26 ~~subsections (a) and (b) of section 204 by submitting a single local plan.~~

27 ~~(2) Plan submitted as part of combined plan.—The eligible agency may submit the plan~~
28 ~~required under this section as part of the plan submitted under section 103 of the~~
29 ~~Workforce Innovation and Opportunity Act, if the plan submitted pursuant to the~~
30 ~~requirement of this section meets the requirements of this Act.~~

31 ~~(e) Consultation.—~~

32 ~~(1) In general.—The eligible agency shall develop the portion of each State plan relating~~
33 ~~to the amount and uses of any funds proposed to be reserved for adult career and~~
34 ~~technical education, postsecondary career and technical education, and secondary career~~
35 ~~and technical education after consultation with—~~

36 ~~(A) the State agency responsible for supervision of community colleges, technical~~
37 ~~institutes, other 2-year postsecondary institutions primarily engaged in providing~~
38 ~~postsecondary career and technical education, or, where applicable, institutions of~~
39 ~~higher education that are engaged in providing postsecondary career and technical~~
40 ~~education as part of their mission;~~

1 (B) the State agency responsible for secondary education; and

2 (C) the State agency responsible for adult education.

3 (2) Objections of State agencies.—If a State agency other than the eligible agency finds
4 that a portion of the final State plan is objectionable, that objection shall be filed together
5 with the State plan. The eligible agency shall respond to any objections of such State
6 agency in the State plan submitted to the Secretary.

7 (3) Joint signature authority.—A Governor shall have 30 days prior to the eligible agency
8 submitting the State plan to the Secretary to sign such plan. If the Governor has not
9 signed the plan within 30 days of delivery by the eligible agency to the Governor, the
10 eligible agency shall submit the plan to the Secretary without such signature.

11 (fe) Plan Approval.—

12 (1) In general.—Not later than 120 days after the eligible agency submits its State plan,
13 the Secretary shall approve such state plan, or a revision of the plan under subsection
14 (a)(2) (including a revision of State determined levels of performance in accordance with
15 section 113(b)(3)(A)(iii)), if the Secretary determines that the State has submitted in its
16 State plan State determined levels of performance that meet the criteria established in
17 section 113(b)(3), including the minimum requirements described in 113(b)(3)(A)(i)(III),
18 unless the Secretary —

19 (A) determines that the State plan does not meet the requirements of this Act,
20 including the minimum requirements as described in section 113(b)(3)(A)(i)(III); and

21 (B) meets the requirements of paragraph (2) with respect to such plan.

22 (2) Disapproval.—The Secretary—

23 (A) shall have the authority to disapprove a State plan only if the Secretary—

24 (i) determines how the State plan fails to meet the requirements of this Act; and

25 (ii) provides to the eligible agency, in writing, notice of such determination and
26 the supporting information and rationale to substantiate such determination; and

27 (B) shall not finally disapprove a State plan, except after making the determination
28 and providing the information described in subparagraph (A), and giving the eligible
29 agency notice and an opportunity for a hearing.

30 (1) In general.—The Secretary shall approve a State plan, or a revision to an approved
31 State plan, unless the Secretary determines that—

32 (A) the State plan, or revision, respectively, does not meet the requirements of this
33 Act; or

34 (B) the State's levels of performance on the core indicators of performance consistent
35 with section 113 are not sufficiently rigorous to meet the purpose of this Act.

36 (2) Disapproval.—The Secretary shall not finally disapprove a State plan, except after
37 giving the eligible agency notice and an opportunity for a hearing.

38 (3) Consultation.—The eligible agency shall develop the portion of each State plan
39 relating to the amount and uses of any funds proposed to be reserved for adult career and

1 ~~technical education, postsecondary career and technical education, tech prep education,~~
2 ~~and secondary career and technical education after consultation with the State agency~~
3 ~~responsible for supervision of community colleges, technical institutes, or other 2-year~~
4 ~~postsecondary institutions primarily engaged in providing postsecondary career and~~
5 ~~technical education, and the State agency responsible for secondary education. If a State~~
6 ~~agency finds that a portion of the final State plan is objectionable, the State agency shall~~
7 ~~file such objections with the eligible agency. The eligible agency shall respond to any~~
8 ~~objections of the State agency in the State plan submitted to the Secretary.~~

9 ~~(4) Timeframe.—A State plan shall be deemed approved by the Secretary if the Secretary~~
10 ~~has not responded to the eligible agency regarding the State plan within 90 days of the~~
11 ~~date the Secretary receives the State plan.~~

13 SEC. 123. [20 U.S.C. 2343] IMPROVEMENT PLANS.

14 (a) State Program Improvement.—

15 (1) Plan.—If a State fails to meet at least 90 percent of ~~the an agreed upon~~ State
16 ~~determined adjusted~~ level of performance for any of the core indicators of performance
17 described in section 113(b)(~~23~~) for all CTE concentrators, the eligible agency shall
18 develop and implement a program improvement plan (that includes an analysis of the
19 performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions
20 that will be taken to address such gaps) ~~(with special consideration to performance gaps~~
21 ~~identified under section 113(e)(2))~~ in consultation with the appropriate agencies,
22 individuals, and organizations during the first program year succeeding the program year
23 for which the eligible agency failed to so meet the State ~~adjusted determined~~ level of
24 performance for any of the core indicators of performance.

25 (2) Technical assistance.—If the Secretary determines that an eligible agency is not
26 properly implementing the eligible agency's responsibilities under section 122, or is not
27 making substantial progress in meeting the purposes of this section, including after
28 implementation of the improvement plan described in paragraph (1), purposes of this Act,
29 based on the ~~State's adjusted State determined~~ levels of performance, the Secretary shall
30 work with the eligible agency to implement the improvement activities consistent with
31 the requirements of this Act.

32 (3) Subsequent action.—

33 (A) In general.—The Secretary may, after notice and opportunity for a hearing,
34 withhold from an eligible agency all, or a portion, of the eligible agency's allotment
35 under paragraphs (2) and (3) of section 112(a) if the eligible agency—

- 36 (i) fails to implement an improvement plan as described in paragraph (1); or
37 ~~(ii) fails to make any improvement in meeting any of the State adjusted levels of~~
38 ~~performance for the core indicators of performance identified under paragraph (1)~~
39 ~~within the first program year of implementation of its improvement plan~~
40 ~~described in paragraph (1); or~~
41 ~~(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of~~

1 ~~performance for the same core indicator of performance for 3 consecutive years.~~
2 ~~(ii) with respect to any specific core indicator of performance that was identified~~
3 ~~in a program improvement plan under paragraph (1), fails to meet at least 90~~
4 ~~percent of a State determined level of performance for such core indicator for 2~~
5 ~~consecutive years after the eligible agency has been identified for improvement~~
6 ~~under such paragraph.~~

7 (B) Waiver for exceptional circumstances.—The Secretary may waive the sanction in
8 subparagraph (A) due to exceptional or uncontrollable circumstances, such as a
9 natural disaster or a precipitous and unforeseen decline in the financial resources of
10 the State.

11 (4) Funds resulting from reduced allotments.—The Secretary shall use funds withheld
12 under paragraph (3) for a State served by an eligible agency to provide technical
13 assistance, to assist in the development of an improved State improvement plan, or for
14 other improvement activities consistent with the requirements of this Act for such State.

15 ~~(5) Adjustments prohibited.—An eligible agency shall not be eligible to adjust~~
16 ~~performance levels while executing an improvement plan under this section.~~

17 (b) Local Program Improvement.—

18 (1) Local evaluation.—Each eligible agency shall evaluate annually, using the local
19 ~~adjusted~~ levels of performance described in section 113(b)(4), the career and technical
20 education activities of each eligible recipient receiving funds under this title.

21 (2) Plan.—If, after reviewing the evaluation in paragraph (1), the eligible agency
22 determines that an eligible recipient failed to meet at least 90 percent of an agreed upon
23 local ~~adjusted~~ level of performance for any of the core indicators of performance
24 described in section 113(b)(4) ~~for all CTE concentrators~~, the eligible recipient shall
25 develop and implement a program improvement plan ~~(that includes an analysis of the~~
26 ~~performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions~~
27 ~~that will be taken to address such gaps) (with special consideration to performance gaps~~
28 ~~identified under section 113(b)(4)(C)(ii)(II))~~ in consultation with ~~local stakeholders~~
29 ~~described in section 134(d)(1)~~, the eligible agency, ~~and~~ appropriate agencies, individuals,
30 and organizations during the first program year succeeding the program year for which
31 the eligible recipient failed to so meet any of the local ~~adjusted~~ levels of performance for
32 any of the core indicators of performance.

33 (3) Technical assistance.—If the eligible agency determines that an eligible recipient is
34 not properly implementing the eligible recipient's responsibilities under section 134, or is
35 not making substantial progress in meeting the purposes of this Act, based on the local
36 ~~adjusted~~ levels of performance, the eligible agency shall work with the eligible recipient
37 to implement improvement activities consistent with the requirements of this Act.

38 (4) Subsequent action.—

39 (A) In general.—The eligible agency may, after notice and opportunity for a hearing,
40 withhold from the eligible recipient all, or a portion, of the eligible recipient's
41 allotment under this title if the eligible recipient—

42 (i) fails to implement an improvement plan as described in paragraph (2); ~~or~~

1 ~~(ii) fails to make any improvement in meeting any of the local adjusted levels of~~
2 ~~performance for the core indicators of performance identified under paragraph (2)~~
3 ~~within the first program year of implementation of its improvement plan~~
4 ~~described in paragraph (2); or~~

5 ~~(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of~~
6 ~~performance for the same core indicator of performance for 3 consecutive years.~~

7 (ii) with respect to any specific core indicator of performance that was identified
8 in a program improvement plan under paragraph (2), fails to meet at least 90
9 percent of the local level of performance for such core indicator for 2 consecutive
10 years after the eligible recipient has been identified for improvement under such
11 paragraph.

12 (B) Waiver for exceptional circumstances.—In determining whether to impose
13 sanctions under subparagraph (A), the eligible agency may waive imposing
14 sanctions—

15 (i) due to exceptional or uncontrollable circumstances, such as a natural disaster
16 or a precipitous and unforeseen decline in the financial resources of the eligible
17 recipient; ~~or~~

18 (ii) based on the impact on the eligible recipient's reported performance of the
19 small size of the career and technical education program operated by the eligible
20 recipient; ~~or~~

21 (iii) in response to a public request from an eligible recipient, if the eligible
22 agency determines that the requirements described in clause (i) or (ii) have been
23 met.

24 (5) Funds resulting from reduced allotments.—The eligible agency shall use funds
25 withheld under paragraph (4) from an eligible recipient to provide (through alternative
26 arrangements) services and activities to students within the area served by such recipient
27 to meet the purposes of this Act.

28 (6) Adjustments prohibited.—An eligible recipient shall not be eligible to adjust
29 performance levels while executing an improvement plan under this section.

31 SEC. 124. [20 U.S.C. 2344] STATE LEADERSHIP 32 ACTIVITIES.

33 (a) General Authority.—From amounts reserved under section 112(a)(2), each eligible
34 agency shall ~~conduct State leadership activities.~~

35 (1) conduct State leadership activities to improve career and technical education, which
36 shall include support for —

37 (A) preparation for non-traditional fields in current and emerging professions,
38 programs for special populations, and other activities that expose students, including
39 special populations, to high-skill, high-wage, and in-demand occupations;

1 (B) individuals in State institutions, such as State correctional institutions, including
2 juvenile justice facilities, and educational institutions that serve individuals with
3 disabilities;

4 (C) recruiting, preparing, or retaining career and technical education teachers, faculty,
5 specialized instructional support personnel, or paraprofessionals, such as preservice,
6 professional development, or leadership development programs; and

7 (D) technical assistance for eligible recipients; and

8 (2) report on the effectiveness of such use of funds in achieving the goals described in
9 section 122(d)(2) and the State determined levels of performance described in section
10 113(b)(3)(A), and reducing disparities or performance gaps as described in section
11 113(b)(3)(C)(ii)(II).

12 (b) Required ~~Permissible~~ Uses of Funds.—The State leadership activities described in
13 subsection (a) shall may include—

14 ~~(1) an assessment of the career and technical education programs carried out with funds~~
15 ~~under this title, including an assessment of how the needs of special populations are being~~
16 ~~met and how the career and technical education programs are designed to enable special~~
17 ~~populations to meet State adjusted levels of performance and prepare the special~~
18 ~~populations for further education, further training, or for high skill, high wage, or high~~
19 ~~demand occupations;~~

20 ~~(2) developing, improving, or expanding the use of technology in career and technical~~
21 ~~education that may include—~~

22 ~~(A) training of career and technical education teachers, faculty, career guidance and~~
23 ~~academic counselors, and administrators to use technology, including distance~~
24 ~~learning;~~

25 ~~(B) providing career and technical education students with the academic and career~~
26 ~~and technical skills (including the mathematics and science knowledge that provides a~~
27 ~~strong basis for such skills) that lead to entry into technology fields, including non-~~
28 ~~traditional fields; or~~

29 ~~(C) encouraging schools to collaborate with technology industries to offer voluntary~~
30 ~~internships and mentoring programs;~~

31 ~~(3) professional development programs, including providing comprehensive professional~~
32 ~~development (including initial teacher preparation) for career and technical education~~
33 ~~teachers, faculty, administrators, and career guidance and academic counselors at the~~
34 ~~secondary and postsecondary levels, that support activities described in section 122~~
35 ~~and—~~

36 ~~(A) provide in-service and preservice training in career and technical education~~
37 ~~programs—~~

38 ~~(i) on effective integration and use of challenging academic and career and~~
39 ~~technical education provided jointly with academic teachers to the extent~~
40 ~~practicable;~~

41 ~~(ii) on effective teaching skills based on research that includes promising~~

1 practices;

2 (iii) on effective practices to improve parental and community involvement; and

3 (iv) on effective use of scientifically based research and data to improve
4 instruction;

5 (B) are high quality, sustained, intensive, and classroom focused in order to have a
6 positive and lasting impact on classroom instruction and the teacher's performance in
7 the classroom, and are not 1-day or short-term workshops or conferences;

8 (C) will help teachers and personnel to improve student achievement in order to meet
9 the State adjusted levels of performance established under section 113;

10 (D) will support education programs for teachers of career and technical education in
11 public schools and other public school personnel who are involved in the direct
12 delivery of educational services to career and technical education students to ensure
13 that teachers and personnel—

14 (i) stay current with the needs, expectations, and methods of industry;

15 (ii) can effectively develop rigorous and challenging, integrated academic and
16 career and technical education curricula jointly with academic teachers, to the
17 extent practicable;

18 (iii) develop a higher level of academic and industry knowledge and skills in
19 career and technical education; and

20 (iv) effectively use applied learning that contributes to the academic and career
21 and technical knowledge of the student; and

22 (E) are coordinated with the teacher certification or licensing and professional
23 development activities that the State carries out under title II of the Elementary and
24 Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

25 (4) supporting career and technical education programs that improve the academic and
26 career and technical skills of students participating in career and technical education
27 programs by strengthening the academic and career and technical components of such
28 career and technical education programs, through the integration of coherent and relevant
29 content aligned with challenging academic standards and relevant career and technical
30 education, to ensure achievement in—

31 (A) a well-rounded education (as defined in section 8101 of the Elementary and
32 Secondary Education Act of 1965); and

33 (B) career and technical education subjects;

34 (5) providing preparation for non-traditional fields in current and emerging professions,
35 and other activities that expose students, including special populations, to high skill, high
36 wage occupations;

37 (6) supporting partnerships among local educational agencies, institutions of higher
38 education, adult education providers, and, as appropriate, other entities, such as
39 employers, labor organizations, intermediaries, parents, and local partnerships, to enable
40 students to achieve State academic standards, and career and technical skills, or complete

- ~~career and technical programs of study, as described in section 122(c)(1)(A);~~
- ~~(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;~~
- ~~(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and~~
- ~~(9) technical assistance for eligible recipients.~~

~~(e) Permissible Uses of Funds.—The State leadership activities described in subsection (a) may include—~~

~~(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;~~

~~(2) approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);~~

~~(3) establishing statewide articulation agreements aligned to approved programs of study;~~

~~(4) establishing statewide industry or sector partnerships among local educational agencies, institutions of higher education, adult education providers, Indian Tribes and Tribal organizations that may be present in the State, employers, including small businesses, and parents, as appropriate to—~~

~~(A) develop and implement programs of study aligned to State and local economic and education needs, including as appropriate, in-demand industry sectors and occupations;~~

~~(B) facilitate the establishment, expansion, and integration of opportunities for students at the secondary level to—~~

~~(i) successfully complete coursework that integrates rigorous and challenging technical and academic instruction aligned with the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and~~

~~(ii) earn a recognized postsecondary credential or credit toward a recognized postsecondary credential, which may be earned through a dual or concurrent enrollment program or early college high school, at no cost to the student or the student’s family; and~~

~~(C) facilitate work-based learning opportunities (including, internships, externships, and simulated-work environments) into programs of study;~~

~~(5) for teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including~~

1 under title II of the Elementary and Secondary Education Act of 1965 and title II of the
2 Higher Education Act of 1965), including programming that—

3 (A) promotes the integration of the challenging State academic standards adopted by
4 the State under section 1111(b)(1) of the Elementary and Secondary Education Act of
5 1965 and relevant technical knowledge and skills, including programming jointly
6 delivered to academic and career and technical education teachers;

7 (B) prepares career and technical education teachers, faculty, specialized instructional
8 support personnel, and paraprofessionals to provide appropriate accommodations for
9 students who are members of special populations, including through the use of
10 principles of universal design for learning, multi-tier systems of supports, and
11 positive behavioral interventions and support; and

12 (C) increases the ability of teachers, faculty, specialized instructional support
13 personnel, and paraprofessionals providing career and technical education instruction
14 to stay current with industry standards and earn an industry-recognized credential or
15 license, as appropriate, including by assisting those with relevant industry experience
16 in obtaining State teacher licensure or credential requirements;

17 (6) supporting eligible recipients in eliminating inequities in student access to—

18 (A) high-quality programs of study that provide skill development; and

19 (B) effective teachers, faculty, specialized instructional support personnel, and
20 paraprofessionals;

21 (7) awarding incentive grants to eligible recipients—

22 (A) for exemplary performance in carrying out programs under this Act, which
23 awards shall be based on—

24 (i) eligible recipients exceeding the local level of performance on a core indicator
25 of performance established under section 113(b)(4)(A) in a manner that reflects
26 sustained or significant improvement;

27 (ii) eligible recipients effectively developing connections between secondary
28 education and postsecondary education and training;

29 (iii) the integration of academic and technical standards;

30 (iv) eligible recipients' progress in closing achievement gaps among
31 subpopulations who participate in programs of study; or

32 (v) other factors relating to the performance of eligible recipients under this Act
33 as the eligible agency determines are appropriate; or

34 (B) if an eligible recipient elects to use funds as permitted under section 135(c);

35 (8) providing support for—

36 (A) the adoption and integration of recognized postsecondary credentials and work-
37 based learning into programs of study, and for increasing data collection associated
38 with recognized postsecondary credentials and employment outcomes; or

1 (B) consultation and coordination with other State agencies for the identification and
2 examination of licenses or certifications that—

3 (i) pose an unwarranted barrier to entry into the workforce for career and
4 technical education students, and

5 (ii) do not protect the health, safety, or welfare of consumers;

6 (9) the creation, implementation, and support of pay for success initiatives leading to a
7 recognized postsecondary credential;

8 (10) support for career and technical education programs for adults and out-of-school
9 youth concurrent with their completion of their secondary school education in a school or
10 other educational setting;

11 (11) the creation, evaluation, and support of competency-based curricula;

12 (12) support for the development, implementation, and expansion of programs of study or
13 career pathways in areas declared to be in a state of emergency under section 501 of the
14 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

15 (13) partnering with qualified intermediaries to improve training, the development of
16 public-private partnerships, systems development, capacity-building, and scalability of
17 the delivery of high-quality career and technical education;

18 (14) improvement of career guidance and academic counseling programs that assist
19 students in making informed academic and career and technical education decisions,
20 including academic and financial aid counseling;

21 (15) support for the integration of employability skills into career and technical education
22 programs and programs of study;

23 (16) support for programs and activities that increase access, student engagement, and
24 success in science, technology, engineering, and mathematics fields (including computer
25 science, coding, and architecture), support for the integration of arts and design skills,
26 and support for hands-on learning, particularly for students who are members of groups
27 underrepresented in such subject fields, such as female students, minority students, and
28 students who are members of special populations;

29 (17) support for career and technical student organizations, especially with respect to
30 efforts to increase the participation of students in nontraditional fields and students who
31 are members of special populations;

32 (18) support for establishing and expanding work-based learning opportunities that are
33 aligned to career and technical education programs and programs of study;

34 (19) integrating and aligning programs of study and career pathways;

35 (20) supporting the use of career and technical education programs and programs of study
36 aligned with State, regional, or local high-skill, high-wage, or in-demand industry sectors
37 or occupations identified by the State workforce development board described in section
38 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) or local
39 workforce development boards;

40 (21) making all forms of instructional content widely available, which may include use of

1 open educational resources;

2 (22) developing valid and reliable assessments of competencies and technical skills and
3 enhancing data systems to collect and analyze data on secondary and postsecondary
4 academic and employment outcomes;

5 (23) support for accelerated learning programs, as described in section
6 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965, in the
7 case of any such program that is part of a career and technical education program of
8 study;

9 (24) support for career academies to implement a postsecondary education and
10 workforce-ready curriculum at the secondary education level that integrates rigorous
11 academic, technical, and employability contents through career and technical education
12 programs and programs of study that address needs described in the comprehensive needs
13 assessment under section 134(c);

14 (25) other State leadership activities that improve career and technical education.

15 ~~(1) improvement of career guidance and academic counseling programs that assist~~
16 ~~students in making informed academic and career and technical education decisions,~~
17 ~~including—~~

18 ~~(A) encouraging secondary and postsecondary students to graduate with a diploma or~~
19 ~~degree; and~~

20 ~~(B) exposing students to high skill, high wage occupations and non-traditional fields;~~

21 ~~(2) establishment of agreements, including articulation agreements, between secondary~~
22 ~~school and postsecondary career and technical education programs in order to provide~~
23 ~~postsecondary education and training opportunities for students participating in such~~
24 ~~career and technical education programs, such as tech prep programs;~~

25 ~~(3) support for initiatives to facilitate the transition of subbaccalaureate career and~~
26 ~~technical education students into baccalaureate degree programs, including—~~

27 ~~(A) statewide articulation agreements between associate degree granting career and~~
28 ~~technical postsecondary educational institutions and baccalaureate degree granting~~
29 ~~postsecondary educational institutions;~~

30 ~~(B) postsecondary dual and concurrent enrollment programs;~~

31 ~~(C) academic and financial aid counseling; and~~

32 ~~(D) other initiatives—~~

33 ~~(i) to encourage the pursuit of a baccalaureate degree; and~~

34 ~~(ii) to overcome barriers to participation in baccalaureate degree programs,~~
35 ~~including geographic and other barriers affecting rural students and special~~
36 ~~populations;~~

37 ~~(4) support for career and technical student organizations, especially with respect to~~
38 ~~efforts to increase the participation of students who are members of special populations;~~

39 ~~(5) support for public charter schools operating career and technical education programs;~~

1 ~~(6) support for career and technical education programs that offer experience in, and~~
2 ~~understanding of, all aspects of an industry for which students are preparing to enter;~~

3 ~~(7) support for family and consumer sciences programs;~~

4 ~~(8) support for partnerships between education and business or business intermediaries,~~
5 ~~including cooperative education and adjunct faculty arrangements at the secondary and~~
6 ~~postsecondary levels;~~

7 ~~(9) support to improve or develop new career and technical education courses and~~
8 ~~initiatives, including career clusters, career academies, and distance education, that~~
9 ~~prepare individuals academically and technically for high skill, high wage, or high~~
10 ~~demand occupations;~~

11 ~~(10) awarding incentive grants to eligible recipients —~~

12 ~~(A) for exemplary performance in carrying out programs under this Act, which~~
13 ~~awards shall be based on—~~

14 ~~(i) eligible recipients exceeding the local adjusted levels of performance~~
15 ~~established under section 113(b) in a manner that reflects sustained or significant~~
16 ~~improvement;~~

17 ~~(ii) eligible recipients effectively developing connections between secondary~~
18 ~~education and postsecondary education and training;~~

19 ~~(iii) the adoption and integration of coherent and rigorous content aligned with~~
20 ~~challenging academic standards and technical coursework;~~

21 ~~(iv) eligible recipients' progress in having special populations who participate in~~
22 ~~career and technical education programs meet local adjusted levels of~~
23 ~~performance; or~~

24 ~~(v) other factors relating to the performance of eligible recipients under this Act~~
25 ~~as the eligible agency determines are appropriate; or~~

26 ~~(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);~~

27 ~~(11) providing for activities to support entrepreneurship education and training;~~

28 ~~(12) providing career and technical education programs for adults and school dropouts to~~
29 ~~complete their secondary school education, in coordination, to the extent practicable, with~~
30 ~~activities authorized under the Adult Education and Family Literacy Act;~~

31 ~~(13) providing assistance to individuals, who have participated in services and activities~~
32 ~~under this title, in continuing the individuals' education or training or finding appropriate~~
33 ~~jobs, such as through referral to the system established under section 121 of the~~
34 ~~Workforce Innovation and Opportunity Act;~~

35 ~~(14) developing valid and reliable assessments of technical skills;~~

36 ~~(15) developing and enhancing data systems to collect and analyze data on secondary and~~
37 ~~postsecondary academic and employment outcomes;~~

38 ~~(16) improving—~~

39 ~~(A) the recruitment and retention of career and technical education teachers, faculty,~~

1 ~~administrators, and career guidance and academic counselors, including individuals in~~
2 ~~groups underrepresented in the teaching profession; and~~

3 ~~(B) the transition to teaching from business and industry, including small business;~~
4 ~~and~~

5 ~~(17) support for occupational and employment information resources, such as those~~
6 ~~described in section 118.~~

7 ~~(d)~~ Restriction on Uses of Funds.—An eligible agency that receives funds under section
8 112(a)(2) may not use any of such funds for administrative costs, unless expressly authorized
9 under subsection (a).

11 PART C—LOCAL PROVISIONS

13 SEC. 131. [20 U.S.C. 2351] DISTRIBUTION OF FUNDS TO 14 SECONDARY EDUCATION PROGRAMS.

15 (a) Distribution Rules.—Except as provided in section 133 and as otherwise provided in this
16 section, each eligible agency shall distribute the portion of funds made available under
17 section 112(a)(1) to carry out this section to local educational agencies within the State as
18 follows:

19 (1) Thirty percent.—Thirty percent shall be allocated to such local educational agencies
20 in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the
21 school district served by such local educational agency for the preceding fiscal year
22 compared to the total number of such individuals who reside in the school districts served
23 by all local educational agencies in the State for such preceding fiscal year, as determined
24 on the basis of the most recent satisfactory—

25 (A) data provided to the Secretary by the Bureau of the Census for the purpose of
26 determining eligibility under title I of the Elementary and Secondary Education Act
27 of 1965; or

28 (B) student membership data collected by the National Center for Education Statistics
29 through the Common Core of Data survey system.

30 (2) Seventy percent.—Seventy percent shall be allocated to such local educational
31 agencies in proportion to the number of individuals aged 5 through 17, inclusive, who
32 reside in the school district served by such local educational agency and are from families
33 below the poverty level for the preceding fiscal year, as determined on the basis of the
34 most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and
35 Secondary Education Act of 1965, compared to the total number of such individuals who
36 reside in the school districts served by all the local educational agencies in the State for
37 such preceding fiscal year.

38 (3) Adjustments.—Each eligible agency, in making the allocations under paragraphs (1)
39 and (2), shall adjust the data used to make the allocations to—

1 (A) reflect any change in school district boundaries that may have occurred since the
2 data were collected; and

3 (B) include local educational agencies without geographical boundaries, such as
4 charter schools and secondary schools funded by the Bureau of Indian
5 Affairs Education.

6 (b) Waiver for More Equitable Distribution.—The Secretary may waive the application of
7 subsection (a) in the case of any eligible agency that submits to the Secretary an application
8 for such a waiver that—

9 (1) demonstrates that a proposed alternative formula more effectively targets funds on the
10 basis of poverty (as defined by the Office of Management and Budget and revised
11 annually in accordance with section 673(2) of the Community Services Block Grant Act
12 (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula
13 described in subsection (a); and

14 (2) includes a proposal for such an alternative formula.

15 (c) Minimum Allocation.—

16 (1) In general.—Except as provided in paragraph (2), a local educational agency shall not
17 receive an allocation under subsection (a) unless the amount allocated to such agency
18 under subsection (a) is greater than \$15,000. A local educational agency may enter into a
19 consortium with other local educational agencies for purposes of meeting the minimum
20 allocation requirement of this paragraph.

21 (2) Waiver.—The eligible agency shall waive the application of paragraph (1) in any case
22 in which the local educational agency—

23 (A) (i) is located in a rural, sparsely populated area; or

24 (ii) is a public charter school operating secondary school career and technical
25 education programs or programs of study; and

26 (B) demonstrates that the local educational agency is unable to enter into a
27 consortium for purposes of providing activities under this part.

28 (3) Redistribution.—Any amounts that are not allocated by reason of paragraph (1) or
29 paragraph (2) shall be redistributed to local educational agencies that meet the
30 requirements of paragraph (1) or (2) in accordance with the provisions of this section.

31 (d) Limited Jurisdiction Agencies.—

32 (1) In general.—In applying the provisions of subsection (a), no eligible agency receiving
33 assistance under this title shall allocate funds to a local educational agency that serves
34 only elementary schools, but shall distribute such funds to the local educational agency or
35 regional educational agency that provides secondary school services to secondary school
36 students in the same attendance area.

37 (2) Special rule.—The amount to be allocated under paragraph (1) to a local educational
38 agency that has jurisdiction only over secondary schools shall be determined based on the
39 number of students that entered such secondary schools in the previous year from the
40 elementary schools involved.

1 (e) Allocations to Area Career and Technical Education Schools and Educational Service
2 Agencies.—

3 (1) In general.—Each eligible agency shall distribute the portion of funds made available
4 under section 112(a)(1) for any fiscal year by such eligible agency for career and
5 technical education activities at the secondary level under this section to the appropriate
6 area career and technical education school or educational service agency in any case in
7 which the area career and technical education school or educational service agency, and
8 the local educational agency concerned—

9 (A) have formed or will form a consortium for the purpose of receiving funds under
10 this section; or

11 (B) have entered into or will enter into a cooperative arrangement for such purpose.

12 (2) Allocation basis.—If an area career and technical education school or educational
13 service agency meets the requirements of paragraph (1), then the amount that would
14 otherwise be distributed to the local educational agency shall be allocated to the area
15 career and technical education school, the educational service agency, and the local
16 educational agency based on each school, agency or entity's relative share of students
17 who are attending career and technical education programs (based, if practicable, on the
18 average enrollment for the preceding 3 years).

19 (3) Appeals procedure.—The eligible agency shall establish an appeals procedure for
20 resolution of any dispute arising between a local educational agency and an area career
21 and technical education school or an educational service agency with respect to the
22 allocation procedures described in this section, including the decision of a local
23 educational agency to leave a consortium or terminate a cooperative arrangement.

24 (f) Consortium Requirements.—

25 (1) Alliance.—Any local educational agency receiving an allocation that is not sufficient
26 to conduct a program which meets the requirements of section 135 is encouraged to—

27 (A) form a consortium or enter into a cooperative agreement with an area career and
28 technical education school or educational service agency offering programs that meet
29 the requirements of section 135;

30 (B) transfer such allocation to the area career and technical education school or
31 educational service agency; and

32 (C) operate programs that are of sufficient size, scope, and quality to be effective.

33 (2) Funds to consortium.—Funds allocated to a consortium formed to meet the
34 requirements of this subsection shall be used only for purposes and programs that are
35 mutually beneficial to all members of the consortium and can be used only for programs
36 authorized under this title. Such funds may not be reallocated to individual members of
37 the consortium for purposes or programs benefitting only 1 member of the consortium.

38 (g) Data.—The Secretary shall collect information from eligible agencies regarding the
39 specific dollar allocations made available by the eligible agency for career and technical
40 education programs and programs of study under subsections (a), (b), (c), (d), and (e) and
41 how these allocations are distributed to local educational agencies, area career and technical

1 education schools, and educational service agencies, within the State in accordance with this
2 section.

3 (h) Special Rule.—Each eligible agency distributing funds under this section shall treat a
4 secondary school funded by the Bureau of Indian ~~Affairs~~ Education within the State as if
5 such school were a local educational agency within the State for the purpose of receiving a
6 distribution under this section.

7 8 SEC. 132. [20 U.S.C. 2352] DISTRIBUTION OF FUNDS FOR 9 POSTSECONDARY EDUCATION PROGRAMS.

10 (a) Allocation.—

11 (1) In general.—Except as provided in subsections (b) and (c) and section 133, each
12 eligible agency shall distribute the portion of the funds made available under section
13 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of
14 eligible institutions within the State.

15 (2) Formula.—Each eligible institution or consortium of eligible institutions shall be
16 allocated an amount that bears the same relationship to the portion of funds made
17 available under section 112(a)(1) to carry out this section for any fiscal year as the sum of
18 the number of individuals who are Federal Pell Grant recipients and recipients of
19 assistance from the Bureau of Indian Affairs enrolled in programs meeting the
20 requirements of section 135 offered by such institution or consortium in the preceding
21 fiscal year bears to the sum of the number of such recipients enrolled in such programs
22 within the State for such year.

23 (3) Consortium requirements.—

24 (A) In general.—In order for a consortium of eligible institutions described in
25 paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall
26 operate joint projects that—

27 (i) provide services to all postsecondary institutions participating in the
28 consortium; and

29 (ii) are of sufficient size, scope, and quality to be effective.

30 (B) Funds to consortium.—Funds allocated to a consortium formed to meet the
31 requirements of this section shall be used only for purposes and programs that are
32 mutually beneficial to all members of the consortium and shall be used only for
33 programs authorized under this title. Such funds may not be reallocated to individual
34 members of the consortium for purposes or programs benefitting only 1 member of
35 the consortium.

36 (4) Waiver.—The eligible agency may waive the application of paragraph (3)(A)(i) in
37 any case in which the eligible institution is located in a rural, sparsely populated area.

38 (b) Waiver for More Equitable Distribution.—The Secretary may waive the application of
39 subsection (a) if an eligible agency submits to the Secretary an application for such a waiver
40 that—

1 (1) demonstrates that the formula described in subsection (a) does not result in a
2 distribution of funds to the eligible institutions or consortia within the State that have the
3 highest numbers of economically disadvantaged individuals and that an alternative
4 formula will result in such a distribution; and

5 (2) includes a proposal for such an alternative formula.

6 (c) Minimum Grant Amount.—

7 (1) In general.—No institution or consortium shall receive an allocation under this
8 section in an amount that is less than \$50,000.

9 (2) Redistribution.—Any amounts that are not distributed by reason of paragraph (1)
10 shall be redistributed to eligible institutions or consortia in accordance with this section.

11 12 SEC. 133. [20 U.S.C. 2353] SPECIAL RULES FOR CAREER 13 AND TECHNICAL EDUCATION.

14 (a) Special Rule for Minimal Allocation.—

15 (1) General authority.—Notwithstanding the provisions of sections 131 and 132 and in
16 order to make a more equitable distribution of funds for programs serving the areas of
17 greatest economic need, for any program year for which a minimal amount is made
18 available by an eligible agency for distribution under section 131 or 132, such eligible
19 agency may distribute such minimal amount for such year—

20 (A) on a competitive basis; or

21 (B) through any alternative method determined by the eligible agency.

22 (2) Minimal amount.—For purposes of this section, the term “minimal amount” means
23 not more than 15 percent of the total amount made available for distribution under section
24 112(a)(1).

25 (b) Redistribution.—

26 (1) In general.—In any academic year that an eligible recipient does not expend all of the
27 amounts the eligible recipient is allocated for such year under section 131 or 132, such
28 eligible recipient shall return any unexpended amounts to the eligible agency to be
29 reallocated under section 131 or 132, as appropriate.

30 (2) Redistribution of amounts returned late in an academic year.—In any academic year
31 in which amounts are returned to the eligible agency under section 131 or 132 and the
32 eligible agency is unable to reallocate such amounts according to such sections in time
33 for such amounts to be expended in such academic year, the eligible agency shall retain
34 such amounts for distribution in combination with amounts provided under section
35 112(a)(1) for the following academic year.

36 (c) Construction.—Nothing in section 131 or 132 shall be construed—

37 (1) to prohibit a local educational agency or a consortium thereof that receives assistance
38 under section 131, from working with an eligible institution or consortium thereof that
39 receives assistance under section 132, to carry out career and technical education

1 programs or programs of study at the secondary level in accordance with this title;

2 (2) to prohibit an eligible institution or consortium thereof that receives assistance under
3 section 132, from working with a local educational agency or consortium thereof that
4 receives assistance under section 131, to carry out postsecondary and adult career and
5 technical education programs or programs of study in accordance with this title; or

6 (3) to require a charter school, that provides career and technical education programs or
7 programs of study and is considered a local educational agency under State law, to jointly
8 establish the charter school's eligibility for assistance under this title unless the charter
9 school is explicitly permitted to do so under the State's charter school statute.

10 (d) Consistent Application.—For purposes of this section, the eligible agency shall provide
11 funds to charter schools offering career and technical education programs or programs of
12 study in the same manner as the eligible agency provides those funds to other schools. Such
13 career and technical education programs or programs of study within a charter school shall be
14 of sufficient size, scope, and quality to be effective.

15
16 SEC. 134. [20 U.S.C. 2354] LOCAL APPLICATION PLAN
17 FOR CAREER AND TECHNICAL EDUCATION
18 PROGRAMS.

19 (a) Local Plan Application Required.—Any eligible recipient desiring financial assistance
20 under this part shall, in accordance with requirements established by the eligible agency (in
21 consultation with such other educational training entities as the eligible agency determines to
22 be appropriate) submit a local plan application to the eligible agency. Such local plan
23 application shall cover the same period of time as the period of time applicable to the State
24 plan submitted under section 122.

25 (b) Contents.—The eligible agency shall determine the requirements for local
26 plans applications, except that each local application plan shall contain—

27 (1) a description of the results of the comprehensive needs assessment conducted under
28 subsection (c);

29 (2) information on the career and technical education course offerings and activities that
30 the eligible recipient will provide with funds under this part, which shall include not less
31 than 1 program of study approved by a State under section 124(b)(2), including—

32 (A) how the results of the comprehensive needs assessment described in subsection
33 (c) informed the selection of the specific career and technical education programs and
34 activities selected to be funded;

35 (B) a description of any new programs of study the eligible recipient will develop and
36 submit to the State for approval; and

37 (C) how students, including students who are members of special populations, will
38 learn about their school's career and technical education course offerings and whether
39 each course is part of a career and technical education program of study;

1 (3) a description of how the eligible recipient, in collaboration with local workforce
2 development boards and other local workforce agencies, one-stop delivery systems
3 described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29
4 U.S.C. 3151(e)(2)), and other partners, will provide—

5 (A) career exploration and career development coursework, activities, or services;

6 (B) career information on employment opportunities that incorporate the most up-to-
7 date information on high-skill, high-wage, or in-demand industry sectors or
8 occupations, as determined by the comprehensive needs assessment described in
9 subsection (c); and

10 (C) an organized system of career guidance and academic counseling to students
11 before enrolling and while participating in a career and technical education program;

12 (4) a description of how the eligible recipient will improve the academic and technical
13 skills of students participating in career and technical education programs by
14 strengthening the academic and career and technical education components of such
15 programs through the integration of coherent and rigorous content aligned with
16 challenging academic standards and relevant career and technical education programs to
17 ensure learning in the subjects that constitute a well-rounded education (as defined in
18 section 8101 of the Elementary and Secondary Education Act of 1965);

19 (5) a description of how the eligible recipient will—

20 (A) provide activities to prepare special populations for high-skill, high-wage, or in-
21 demand industry sectors or occupations that will lead to self-sufficiency;

22 (B) prepare CTE participants for non-traditional fields;

23 (C) provide equal access for special populations to career and technical education
24 courses, programs, and programs of study; and

25 (D) ensure that members of special populations will not be discriminated against on
26 the basis of their status as members of special populations;

27 (6) a description of the work-based learning opportunities that the eligible recipient will
28 provide to students participating in career and technical education programs and how the
29 recipient will work with representatives from employers to develop or expand work-
30 based learning opportunities for career and technical education students, as applicable;

31 (7) a description of how the eligible recipient will provide students participating in career
32 and technical education programs with the opportunity to gain postsecondary credit while
33 still attending high school, such as through dual or concurrent enrollment programs or
34 early college high school, as practicable;

35 (8) a description of how the eligible recipient will coordinate with the eligible agency and
36 institutions of higher education to support the recruitment, preparation, retention, and
37 training, including professional development, of teachers, faculty, administrators, and
38 specialized instructional support personnel and paraprofessionals who meet applicable
39 State certification and licensure requirements (including any requirements met through
40 alternative routes to certification), including individuals from groups underrepresented in
41 the teaching profession; and

1 (9) a description of how the eligible recipient will address disparities or gaps in
2 performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if
3 no meaningful progress has been achieved prior to the third program year, a description
4 of the additional actions such recipient will take to eliminate those disparities or gaps.

5 ~~(1) describe how the career and technical education programs required under section~~
6 ~~135(b) will be carried out with funds received under this title;~~

7 ~~(2) describe how the career and technical education activities will be carried out with~~
8 ~~respect to meeting State and local adjusted levels of performance established under~~
9 ~~section 113;~~

10 ~~(3) describe how the eligible recipient will—~~

11 ~~(A) offer the appropriate courses of not less than 1 of the career and technical~~
12 ~~programs of study described in section 122(c)(1)(A);~~

13 ~~(B) improve the academic and technical skills of students participating in career and~~
14 ~~technical education programs by strengthening the academic and career and technical~~
15 ~~education components of such programs through the integration of coherent and~~
16 ~~rigorous content aligned with challenging academic standards and relevant career and~~
17 ~~technical education programs to ensure learning in—~~

18 ~~(i) a well-rounded education (as defined in section 8101 of the Elementary and~~
19 ~~Secondary Education Act of 1965); and~~

20 ~~(ii) career and technical education subjects;~~

21 ~~(C) provide students with strong experience in, and understanding of, all aspects of an~~
22 ~~industry;~~

23 ~~(D) ensure that students who participate in such career and technical education~~
24 ~~programs are taught to the same coherent and rigorous content aligned with~~
25 ~~challenging academic standards as are taught to all other students; and~~

26 ~~(E) encourage career and technical education students at the secondary level to enroll~~
27 ~~in rigorous and challenging courses in order to provide a well-rounded education (as~~
28 ~~defined in section 8101 of the Elementary and Secondary Education Act of 1965);~~

29 ~~(4) describe how comprehensive professional development (including initial teacher~~
30 ~~preparation) for career and technical education, academic, guidance, and administrative~~
31 ~~personnel will be provided that promotes the integration of coherent and rigorous content~~
32 ~~aligned with challenging academic standards and relevant career and technical education~~
33 ~~(including curriculum development);~~

34 ~~(5) describe how parents, students, academic and career and technical education teachers,~~
35 ~~faculty, administrators, career guidance and academic counselors, representatives of tech~~
36 ~~prep consortia (if applicable), representatives of the entities participating in activities~~
37 ~~described in section 107 of the Workforce Innovation and Opportunity Act (if~~
38 ~~applicable), representatives of business (including small business) and industry, labor~~
39 ~~organizations, representatives of special populations, and other interested individuals are~~
40 ~~involved in the development, implementation, and evaluation of career and technical~~
41 ~~education programs assisted under this title, and how such individuals and entities are~~

1 ~~effectively informed about, and assisted in understanding, the requirements of this title,~~
2 ~~including career and technical programs of study;~~

3 ~~(6) provide assurances that the eligible recipient will provide a career and technical~~
4 ~~education program that is of such size, scope, and quality to bring about improvement in~~
5 ~~the quality of career and technical education programs;~~

6 ~~(7) describe the process that will be used to evaluate and continuously improve the~~
7 ~~performance of the eligible recipient;~~

8 ~~(8) describe how the eligible recipient will—~~

9 ~~(A) review career and technical education programs, and identify and adopt strategies~~
10 ~~to overcome barriers that result in lowering rates of access to or lowering success in~~
11 ~~the programs, for special populations;~~

12 ~~(B) provide programs that are designed to enable the special populations to meet the~~
13 ~~local adjusted levels of performance; and~~

14 ~~(C) provide activities to prepare special populations, including single parents and~~
15 ~~displaced homemakers, for high skill, high wage, or high demand occupations that~~
16 ~~will lead to self-sufficiency;~~

17 ~~(9) describe how individuals who are members of special populations will not be~~
18 ~~discriminated against on the basis of their status as members of the special populations;~~

19 ~~(10) describe how funds will be used to promote preparation for non-traditional fields;~~

20 ~~(11) describe how career guidance and academic counseling will be provided to career~~
21 ~~and technical education students, including linkages to future education and training~~
22 ~~opportunities; and~~

23 ~~(12) describe efforts to improve—~~

24 ~~(A) the recruitment and retention of career and technical education teachers, faculty,~~
25 ~~and career guidance and academic counselors, including individuals in groups~~
26 ~~underrepresented in the teaching profession; and~~

27 ~~(B) the transition to teaching from business and industry.~~

28 (c) Comprehensive Needs Assessment.—

29 (1) In general.—To be eligible to receive financial assistance under this part, an eligible
30 recipient shall—

31 (A) conduct a comprehensive local needs assessment related to career and technical
32 education and include the results of the needs assessment in the local application
33 submitted under subsection (a); and

34 (B) not less than once every 2 years, update such comprehensive local needs
35 assessment.

36 (2) Requirements.—The comprehensive local needs assessment described in paragraph
37 (1) shall include each of the following:

38 (A) An evaluation of the performance of the students served by the eligible recipient
39 with respect to State determined and local levels of performance established pursuant

1 to section 113, including an evaluation of performance for special populations and
2 each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and
3 Secondary Education Act of 1965.

4 (B) A description of how career and technical education programs offered by the
5 eligible recipient are—

6 (i) sufficient in size, scope, and quality to meet the needs of all students served by
7 the eligible recipient; and

8 (ii) (I) aligned to State, regional, Tribal, or local in-demand industry sectors or
9 occupations identified by the State workforce development board described in
10 section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111)
11 (referred to in this section as the ‘State board’) or local workforce development
12 board, including career pathways, where appropriate; or

13 (II) designed to meet local education or economic needs not identified by
14 State boards or local workforce development boards.

15 (C) An evaluation of progress toward the implementation of career and technical
16 education programs and programs of study.

17 (D) A description of how the eligible recipient will improve recruitment, retention,
18 and training of career and technical education teachers, faculty, specialized
19 instructional support personnel, paraprofessionals, and career guidance and academic
20 counselors, including individuals in groups underrepresented in such professions.

21 (E) A description of progress toward implementation of equal access to high-quality
22 career and technical education courses and programs of study for all students,
23 including—

24 (i) strategies to overcome barriers that result in lower rates of access to, or
25 performance gaps in, the courses and programs for special populations;

26 (ii) providing programs that are designed to enable special populations to meet the
27 local levels of performance; and

28 (iii) providing activities to prepare special populations for high-skill, high-wage,
29 or in-demand industry sectors or occupations in competitive, integrated settings
30 that will lead to self-sufficiency.

31 (d) Consultation.—In conducting the comprehensive needs assessment under subsection (c),
32 and developing the local application described in subsection (b), an eligible recipient shall
33 involve a diverse body of stakeholders, including, at a minimum—

34 (1) representatives of career and technical education programs in a local educational
35 agency or educational service agency, including teachers, career guidance and academic
36 counselors, principals and other school leaders, administrators, and specialized
37 instructional support personnel and paraprofessionals;

38 (2) representatives of career and technical education programs at postsecondary
39 educational institutions, including faculty and administrators;

40 (3) representatives of the State board or local workforce development boards and a range

1 of local or regional businesses or industries;

2 (4) parents and students;

3 (5) representatives of special populations;

4 (6) representatives of regional or local agencies serving out-of-school youth, homeless
5 children and youth, and at-risk youth (as defined in section 1432 of the Elementary and
6 Secondary Education Act of 1965);

7 (7) representatives of Indian Tribes and Tribal organizations in the State, where
8 applicable; and

9 (8) any other stakeholders that the eligible agency may require the eligible recipient to
10 consult.

11 (e) Continued Consultation.—An eligible recipient receiving financial assistance under this
12 part shall consult with stakeholders described in subsection (d) on an ongoing basis, as
13 determined by the eligible agency. This may include consultation in order to—

14 (1) provide input on annual updates to the comprehensive needs assessment required
15 under subsection (c)(1)(B);

16 (2) ensure programs of study are—

17 (A) responsive to community employment needs;

18 (B) aligned with employment priorities in the State, regional, tribal, or local economy
19 identified by employers and the entities described in subsection (d), which may
20 include in-demand industry sectors or occupations identified by the local workforce
21 development board;

22 (C) informed by labor market information, including information provided under
23 section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

24 (D) designed to meet current, intermediate, or long-term labor market projections;
25 and

26 (E) allow employer input, including input from industry or sector partnerships in the
27 local area, where applicable, into the development and implementation of programs
28 of study to ensure such programs of study align with skills required by local
29 employment opportunities, including activities such as the identification of relevant
30 standards, curriculum, industry-recognized credentials, and current technology and
31 equipment;

32 (3) identify and encourage opportunities for work-based learning; and

33 (4) ensure funding under this part is used in a coordinated manner with other local
34 resources.

35
36 **SEC. 135. [20 U.S.C. 2355] LOCAL USES OF FUNDS.**

37 (a) General Authority.—Each eligible recipient that receives funds under this part shall use
38 such funds to develop, coordinate, implement, or improve career and technical education

1 programs to meet the needs identified in the comprehensive needs assessment described in
2 section 134(c).~~improve career and technical education programs.~~

3 (b) Requirements for Uses of Funds.—Funds made available to eligible recipients under this
4 part shall be used to support career and technical education programs that are of sufficient
5 size, scope, and quality to be effective and that—

6 (1) provide career exploration and career development activities through an organized,
7 systematic framework designed to aid students, including in the middle grades, before
8 enrolling and while participating in a career and technical education program, in making
9 informed plans and decisions about future education and career opportunities and
10 programs of study, which may include—

11 (A) introductory courses or activities focused on career exploration and career
12 awareness, including non-traditional fields;

13 (B) readily available career and labor market information, including information on—

14 (i) occupational supply and demand;

15 (ii) educational requirements;

16 (iii) other information on careers aligned to State, local, or Tribal (as applicable)
17 economic priorities; and

18 (iv) employment sectors;

19 (C) programs and activities related to the development of student graduation and
20 career plans;

21 (D) career guidance and academic counselors that provide information on
22 postsecondary education and career options;

23 (E) any other activity that advances knowledge of career opportunities and assists
24 students in making informed decisions about future education and employment goals,
25 including non-traditional fields; or

26 (F) providing students with strong experience in, and comprehensive understanding
27 of, all aspects of an industry;

28 (2) provide professional development for teachers, faculty, school leaders, administrators,
29 specialized instructional support personnel, career guidance and academic counselors, or
30 paraprofessionals, which may include—

31 (A) professional development on supporting individualized academic and career and
32 technical education instructional approaches, including the integration of academic
33 and career and technical education standards and curricula;

34 (B) professional development on ensuring labor market information is used to inform
35 the programs, guidance, and advisement offered to students, including information
36 provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–
37 2(e)(2)(C));

38 (C) providing teachers, faculty, school leaders, administrators, specialized
39 instructional support personnel, career guidance and academic counselors, or
40 paraprofessionals, as appropriate, with opportunities to advance knowledge, skills,

1 and understanding of all aspects of an industry, including the latest workplace
2 equipment, technologies, standards, and credentials;

3 (D) supporting school leaders and administrators in managing career and technical
4 education programs in the schools, institutions, or local educational agencies of such
5 school leaders or administrators;

6 (E) supporting the implementation of strategies to improve student achievement and
7 close gaps in student participation and performance in career and technical education
8 programs;

9 (F) providing teachers, faculty, specialized instructional support personnel, career
10 guidance and academic counselors, principals, school leaders, or paraprofessionals, as
11 appropriate, with opportunities to advance knowledge, skills, and understanding in
12 pedagogical practices, including, to the extent the eligible recipient determines that
13 such evidence is reasonably available, evidence-based pedagogical practices;

14 (G) training teachers, faculty, school leaders, administrators, specialized instructional
15 support personnel, career guidance and academic counselors, or paraprofessionals, as
16 appropriate, to provide appropriate accommodations for individuals with disabilities,
17 and students with disabilities who are provided accommodations under the
18 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities
19 Education Act;

20 (H) training teachers, faculty, specialized instructional support personnel, career
21 guidance and academic counselors, and paraprofessionals in frameworks to
22 effectively teach students, including a particular focus on students with disabilities
23 and English learners, which may include universal design for learning, multi-tier
24 systems of supports, and positive behavioral interventions and support; or

25 (I) training for the effective use of community spaces that provide access to tools,
26 technology, and knowledge for learners and entrepreneurs, such as makerspaces or
27 libraries;

28 (3) provide within career and technical education the skills necessary to pursue careers in
29 high-skill, high-wage, or in-demand industry sectors or occupations;

30 (4) support integration of academic skills into career and technical education programs
31 and programs of study to support—

32 (A) CTE participants at the secondary school level in meeting the challenging State
33 academic standards adopted under section 1111(b)(1) of the Elementary and
34 Secondary Education Act of 1965 by the State in which the eligible recipient is
35 located; and

36 (B) CTE participants at the postsecondary level in achieving academic skills;

37 (5) plan and carry out elements that support the implementation of career and technical
38 education programs and programs of study and that result in increasing student
39 achievement of the local levels of performance established under section 113, which may
40 include—

41 (A) a curriculum aligned with the requirements for a program of study;

1 (B) sustainable relationships among education, business and industry, and other
2 community stakeholders, including industry or sector partnerships in the local area,
3 where applicable, that are designed to facilitate the process of continuously updating
4 and aligning programs of study with skills that are in demand in the State, regional, or
5 local economy, and in collaboration with business outreach staff in one-stop centers,
6 as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C.
7 3102), and other appropriate organizations, including community-based and youth-
8 serving organizations;

9 (C) where appropriate, expanding opportunities for CTE concentrators to participate
10 in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the
11 Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)),
12 including dual or concurrent enrollment programs, early college high schools, and the
13 development or implementation of articulation agreements as part of a career and
14 technical education program of study;

15 (D) appropriate equipment, technology, and instructional materials (including support
16 for library resources) aligned with business and industry needs, including machinery,
17 testing equipment, tools, implements, hardware and software, and other new and
18 emerging instructional materials;

19 (E) a continuum of work-based learning opportunities, including simulated work
20 environments;

21 (F) industry-recognized certification examinations or other assessments leading
22 toward a recognized postsecondary credential;

23 (G) efforts to recruit and retain career and technical education program teachers,
24 faculty, school leaders, administrators, specialized instructional support personnel,
25 career guidance and academic counselors, and paraprofessionals;

26 (H) where applicable, coordination with other education and workforce development
27 programs and initiatives, including career pathways and sector partnerships developed
28 under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and
29 other Federal laws and initiatives that provide students with transition-related
30 services, including the Individuals with Disabilities Education Act;

31 (I) expanding opportunities for students to participate in distance career and technical
32 education and blended-learning programs;

33 (J) expanding opportunities for students to participate in competency-based education
34 programs;

35 (K) improving career guidance and academic counseling programs that assist students
36 in making informed academic and career and technical education decisions, including
37 academic and financial aid counseling;

38 (L) supporting the integration of employability skills into career and technical
39 education programs and programs of study, including through family and consumer
40 science programs;

41 (M) supporting programs and activities that increase access, student engagement, and
42 success in science, technology, engineering, and mathematics fields (including

1 computer science and architecture) for students who are members of groups
2 underrepresented in such subject fields;

3 (N) providing career and technical education, in a school or other educational setting,
4 for adults or out-of-school youth to complete secondary school education or upgrade
5 technical skills;

6 (O) supporting career and technical student organizations, including student
7 preparation for and participation in technical skills competitions aligned with career
8 and technical education program standards and curricula;

9 (P) making all forms of instructional content widely available, which may include use
10 of open educational resources;

11 (Q) supporting the integration of arts and design skills, when appropriate, into career
12 and technical education programs and programs of study;

13 (R) partnering with a qualified intermediary to improve training, the development of
14 public-private partnerships, systems development, capacity-building, and scalability
15 of the delivery of high-quality career and technical education;

16 (S) support to reduce or eliminate out-of-pocket expenses for special populations
17 participating in career and technical education, including those participating in dual or
18 concurrent enrollment programs or early college high school programs, and
19 supporting the costs associated with fees, transportation, child care, or mobility
20 challenges for those special populations; or

21 (T) other activities to improve career and technical education programs; and

22 (6) develop and implement evaluations of the activities carried out with funds under this
23 part, including evaluations necessary to complete the comprehensive needs assessment
24 required under section 134(c) and the local report required under section 113(b)(4)(B).

25 (c) Pooling Funds.—An eligible recipient may pool a portion of funds received under this
26 Act with a portion of funds received under this Act available to one or more eligible
27 recipients to support implementation of programs of study through the activities described in
28 subsection (b)(2).

29 ~~(1) strengthen the academic and career and technical skills of students participating in~~
30 ~~career and technical education programs, by strengthening the academic and career and~~
31 ~~technical education components of such programs through the integration of academics~~
32 ~~with career and technical education programs through a coherent sequence of courses,~~
33 ~~such as career and technical programs of study described in section 122(e)(1)(A), to~~
34 ~~ensure learning in—~~

35 ~~(A) a well-rounded education (as defined in section 8101 of the Elementary and~~
36 ~~Secondary Education Act of 1965); and~~

37 ~~(B) career and technical education subjects;~~

38 ~~(2) link career and technical education at the secondary level and career and technical~~
39 ~~education at the postsecondary level, including by offering the relevant elements of not~~
40 ~~less than 1 career and technical program of study described in section 122(e)(1)(A);~~

1 ~~(3) provide students with strong experience in and understanding of all aspects of an~~
2 ~~industry, which may include work-based learning experiences;~~

3 ~~(4) develop, improve, or expand the use of technology in career and technical education,~~
4 ~~which may include—~~

5 ~~(A) training of career and technical education teachers, faculty, and administrators to~~
6 ~~use technology, which may include distance learning;~~

7 ~~(B) providing career and technical education students with the academic and career~~
8 ~~and technical skills (including the mathematics and science knowledge that provides a~~
9 ~~strong basis for such skills) that lead to entry into the technology fields; or~~

10 ~~(C) encouraging schools to collaborate with technology industries to offer voluntary~~
11 ~~internships and mentoring programs, including programs that improve the~~
12 ~~mathematics and science knowledge of students;~~

13 ~~(5) provide professional development programs that are consistent with section 122 to~~
14 ~~secondary and postsecondary teachers, faculty, administrators, and career guidance and~~
15 ~~academic counselors who are involved in integrated career and technical education~~
16 ~~programs, including—~~

17 ~~(A) in-service and preservice training on—~~

18 ~~(i) effective integration and use of challenging academic and career and technical~~
19 ~~education provided jointly with academic teachers to the extent practicable;~~

20 ~~(ii) effective teaching skills based on research that includes promising practices;~~

21 ~~(iii) effective practices to improve parental and community involvement; and~~

22 ~~(iv) effective use of scientifically based research and data to improve instruction;~~

23 ~~(B) support of education programs for teachers of career and technical education in~~
24 ~~public schools and other public school personnel who are involved in the direct~~
25 ~~delivery of educational services to career and technical education students, to ensure~~
26 ~~that such teachers and personnel stay current with all aspects of an industry;~~

27 ~~(C) internship programs that provide relevant business experience; and~~

28 ~~(D) programs designed to train teachers specifically in the effective use and~~
29 ~~application of technology to improve instruction;~~

30 ~~(6) develop and implement evaluations of the career and technical education programs~~
31 ~~carried out with funds under this title, including an assessment of how the needs of~~
32 ~~special populations are being met;~~

33 ~~(7) initiate, improve, expand, and modernize quality career and technical education~~
34 ~~programs, including relevant technology;~~

35 ~~(8) provide services and activities that are of sufficient size, scope, and quality to be~~
36 ~~effective; and~~

37 ~~(9) provide activities to prepare special populations, including single parents and~~
38 ~~displaced homemakers who are enrolled in career and technical education programs, for~~
39 ~~high skill, high wage, or high demand occupations that will lead to self-sufficiency.~~

1 ~~(c) Permissive.—Funds made available to an eligible recipient under this title may be used—~~

2 ~~(1) to involve parents, businesses, and labor organizations as appropriate, in the design,~~
3 ~~implementation, and evaluation of career and technical education programs authorized~~
4 ~~under this title, including establishing effective programs and procedures to enable~~
5 ~~informed and effective participation in such programs;~~

6 ~~(2) to provide career guidance and academic counseling, which may include information~~
7 ~~described in section 118, for students participating in career and technical education~~
8 ~~programs, that—~~

9 ~~(A) improves graduation rates and provides information on postsecondary and career~~
10 ~~options, including baccalaureate degree programs, for secondary students, which~~
11 ~~activities may include the use of graduation and career plans; and~~

12 ~~(B) provides assistance for postsecondary students, including for adult students who~~
13 ~~are changing careers or updating skills;~~

14 ~~(3) for local education and business (including small business) partnerships, including~~
15 ~~for—~~

16 ~~(A) work-related experiences for students, such as internships, cooperative education,~~
17 ~~school-based enterprises, entrepreneurship, and job shadowing that are related to~~
18 ~~career and technical education programs;~~

19 ~~(B) adjunct faculty arrangements for qualified industry professionals; and~~

20 ~~(C) industry experience for teachers and faculty;~~

21 ~~(4) to provide programs for special populations;~~

22 ~~(5) to assist career and technical student organizations;~~

23 ~~(6) for mentoring and support services;~~

24 ~~(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids~~
25 ~~and publications (including support for library resources) designed to strengthen and~~
26 ~~support academic and technical skill achievement;~~

27 ~~(8) for teacher preparation programs that address the integration of academic and career~~
28 ~~and technical education and that assist individuals who are interested in becoming career~~
29 ~~and technical education teachers and faculty, including individuals with experience in~~
30 ~~business and industry;~~

31 ~~(9) to develop and expand postsecondary program offerings at times and in formats that~~
32 ~~are accessible for students, including working students, including through the use of~~
33 ~~distance education;~~

34 ~~(10) to develop initiatives that facilitate the transition of subbaccalaureate career and~~
35 ~~technical education students into baccalaureate degree programs, including—~~

36 ~~(A) articulation agreements between sub-baccalaureate degree-granting career and~~
37 ~~technical education postsecondary educational institutions and baccalaureate degree~~
38 ~~granting postsecondary educational institutions;~~

39 ~~(B) postsecondary dual and concurrent enrollment programs;~~

1 ~~(C) academic and financial aid counseling for sub-baccalaureate career and technical~~
2 ~~education students that informs the students of the opportunities for pursuing a~~
3 ~~baccalaureate degree and advises the students on how to meet any transfer~~
4 ~~requirements; and~~

5 ~~(D) other initiatives—~~

6 ~~(i) to encourage the pursuit of a baccalaureate degree; and~~

7 ~~(ii) to overcome barriers to enrollment in and completion of baccalaureate degree~~
8 ~~programs, including geographic and other barriers affecting rural students and~~
9 ~~special populations;~~

10 ~~(11) to provide activities to support entrepreneurship education and training;~~

11 ~~(12) for improving or developing new career and technical education courses, including~~
12 ~~the development of new proposed career and technical programs of study for~~
13 ~~consideration by the eligible agency and courses that prepare individuals academically~~
14 ~~and technically for high skill, high wage, or high demand occupations and dual or~~
15 ~~concurrent enrollment opportunities by which career and technical education students at~~
16 ~~the secondary level could obtain postsecondary credit to count towards an associate or~~
17 ~~baccalaureate degree;~~

18 ~~(13) to develop and support small, personalized career-themed learning communities;~~

19 ~~(14) to provide support for family and consumer sciences programs;~~

20 ~~(15) to provide career and technical education programs for adults and school dropouts to~~
21 ~~complete the secondary school education, or upgrade the technical skills, of the adults~~
22 ~~and school dropouts;~~

23 ~~(16) to provide assistance to individuals who have participated in services and activities~~
24 ~~under this Act in continuing their education or training or finding an appropriate job, such~~
25 ~~as through referral to the system established under section 121 of the Workforce~~
26 ~~Innovation and Opportunity Act;~~

27 ~~(17) to support training and activities (such as mentoring and outreach) in non-traditional~~
28 ~~fields;~~

29 ~~(18) to provide support for training programs in automotive technologies;~~

30 ~~(19) to pool a portion of such funds with a portion of funds available to not less than 1~~
31 ~~other eligible recipient for innovative initiatives, which may include—~~

32 ~~(A) improving the initial preparation and professional development of career and~~
33 ~~technical education teachers, faculty, administrators, and counselors;~~

34 ~~(B) establishing, enhancing, or supporting systems for—~~

35 ~~(i) accountability data collection under this Act; or~~

36 ~~(ii) reporting data under this Act;~~

37 ~~(C) implementing career and technical programs of study described in section~~
38 ~~122(e)(1)(A); or~~

39 ~~(D) implementing technical assessments; and~~

1 ~~(20) to support other career and technical education activities that are consistent with the~~
2 ~~purpose of this Act.~~

3 (d) Administrative Costs.—Each eligible recipient receiving funds under this part shall not
4 use more than 5 percent of ~~the such~~ funds for ~~administrative~~ costs associated with the
5 administration of activities ~~assisted~~ under this section.

6 7 ~~TITLE II — TECH PREP EDUCATION~~

8 9 ~~SEC. 201. [20 U.S.C. 2371] STATE ALLOTMENT AND~~ 10 ~~APPLICATION.~~

11 ~~(a) In General.— For any fiscal year, the Secretary shall allot the amount made available~~
12 ~~under section 206 among the States in the same manner as funds are allotted to States under~~
13 ~~paragraph (2) of section 111(a).~~

14 ~~(b) Payments to Eligible Agencies.— The Secretary shall make a payment in the amount of a~~
15 ~~State's allotment under subsection (a) to the eligible agency that serves the State and has an~~
16 ~~application approved under subsection (c).~~

17 ~~(c) State Application.— Each eligible agency desiring an allotment under this title shall~~
18 ~~submit, as part of its State plan under section 122, an application that —~~

19 ~~(1) describes how activities under this title will be coordinated, to the extent practicable,~~
20 ~~with activities described in the State plan submitted under section 122; and~~

21 ~~(2) contains such information as the Secretary may require.~~

22 23 ~~SEC. 202. [20 U.S.C. 2372] CONSOLIDATION OF FUNDS.~~

24 ~~(a) In General.— An eligible agency receiving an allotment under sections 111 and 201 may~~
25 ~~choose to consolidate all, or a portion of, funds received under section 201 with funds~~
26 ~~received under section 111 in order to carry out the activities described in the State plan~~
27 ~~submitted under section 122.~~

28 ~~(b) Notification Requirement.— Each eligible agency that chooses to consolidate funds under~~
29 ~~this section shall notify the Secretary, in the State plan submitted under section 122, of the~~
30 ~~eligible agency's decision to consolidate funds under this section.~~

31 ~~(c) Treatment of Consolidated Funds.— Funds consolidated under this section shall be~~
32 ~~considered as funds allotted under section 111 and shall be distributed in accordance with~~
33 ~~section 112.~~

34 35 ~~SEC. 203. [20 U.S.C. 2373] TECH PREP PROGRAM.~~

36 ~~(a) Grant Program Authorized.—~~

1 ~~(1) In general.—From amounts made available to each eligible agency under section 201,~~
2 ~~the eligible agency, in accordance with the provisions of this title, shall award grants, on~~
3 ~~a competitive basis or on the basis of a formula determined by the eligible agency, for~~
4 ~~tech prep programs described in subsection (c). The grants shall be awarded to consortia~~
5 ~~between or among—~~

6 ~~(A) a local educational agency, an intermediate educational agency, educational~~
7 ~~service agency, or area career and technical education school, serving secondary~~
8 ~~school students, or a secondary school funded by the Bureau of Indian Affairs; and~~

9 ~~(B) (i) a nonprofit institution of higher education that—~~

10 ~~(I) (aa) offers a 2-year associate degree program or a 2-year certificate~~
11 ~~program; and~~

12 ~~(bb) is qualified as an institution of higher education pursuant to section~~
13 ~~102 of the Higher Education Act of 1965, including—~~

14 ~~(AA) an institution receiving assistance under the Tribally Controlled~~
15 ~~Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et~~
16 ~~seq.); and~~

17 ~~(BB) a tribally controlled postsecondary career and technical~~
18 ~~institution; or~~

19 ~~(II) offers a 2-year apprenticeship program that follows secondary education~~
20 ~~instruction, if such nonprofit institution of higher education is not prohibited~~
21 ~~from receiving assistance under part B of title IV of the Higher Education Act~~
22 ~~of 1965 pursuant to the provisions of section 435(a)(2) of such Act; or~~

23 ~~(ii) a proprietary institution of higher education that offers a 2-year associate~~
24 ~~degree program and is qualified as an institution of higher education pursuant to~~
25 ~~section 102 of the Higher Education Act of 1965, if such proprietary institution of~~
26 ~~higher education is not subject to a default management plan required by the~~
27 ~~Secretary.~~

28 ~~(2) Special rule.—In addition, a consortium described in paragraph (1) may include 1 or~~
29 ~~more—~~

30 ~~(A) institutions of higher education that award a baccalaureate degree; and~~

31 ~~(B) employers (including small businesses), business intermediaries, or labor~~
32 ~~organizations.~~

33 ~~(b) Duration.—Each consortium receiving a grant under this title shall use amounts provided~~
34 ~~under the grant to develop and operate a 4- or 6-year tech prep program described in~~
35 ~~subsection (c).~~

36 ~~(c) Contents of Tech Prep Program.—Each tech prep program shall—~~

37 ~~(1) be carried out under an articulation agreement between the participants in the~~
38 ~~consortium;~~

39 ~~(2) consist of a program of study that—~~

40 ~~(A) combines—~~

1 (i) a minimum of 2 years of secondary education (as determined under State law);
2 with

3 (ii) (I) a minimum of 2 years of postsecondary education in a nonduplicative,
4 sequential course of study; or

5 (II) an apprenticeship program of not less than 2 years following secondary
6 education instruction; and

7 (3) include the development of tech prep programs for secondary education and
8 postsecondary education that —

9 (A) meet academic standards developed by the State;

10 (B) link secondary schools and 2-year postsecondary institutions, and if possible and
11 practicable, 4-year institutions of higher education, through —

12 (i) nonduplicative sequences of courses in career fields;

13 (ii) the use of articulation agreements; and

14 (iii) the investigation of opportunities for tech prep secondary education students
15 to enroll concurrently in secondary education and postsecondary education
16 coursework;

17 (C) use, if appropriate and available, work-based or worksite learning experiences in
18 conjunction with business and all aspects of an industry; and

19 (D) use educational technology and distance learning, as appropriate, to involve all
20 the participants in the consortium more fully in the development and operation of
21 programs;

22 (4) include in-service professional development for teachers, faculty, and administrators
23 that —

24 (A) supports effective implementation of tech prep programs;

25 (B) supports joint training in the tech prep consortium;

26 (C) supports the needs, expectations, and methods of business and all aspects of an
27 industry;

28 (D) supports the use of contextual and applied curricula, instruction, and assessment;

29 (E) supports the use and application of technology; and

30 (F) assists in accessing and utilizing data, information available pursuant to section
31 118, and information on student achievement, including assessments;

32 (5) include professional development programs for counselors designed to enable
33 counselors to more effectively —

34 (A) provide information to students regarding tech prep programs;

35 (B) support student progress in completing tech prep programs, which may include
36 the use of graduation and career plans;

37 (C) provide information on related employment opportunities;

1 ~~(D) ensure that students are placed in appropriate employment or further~~
2 ~~postsecondary education;~~

3 ~~(E) stay current with the needs, expectations, and methods of business and all aspects~~
4 ~~of an industry; and~~

5 ~~(F) provide comprehensive career guidance and academic counseling to participating~~
6 ~~students, including special populations;~~

7 ~~(6) provide equal access, to the full range of technical preparation programs (including~~
8 ~~preapprenticeship programs), to individuals who are members of special populations,~~
9 ~~including the development of tech prep program services appropriate to the needs of~~
10 ~~special populations;~~

11 ~~(7) provide for preparatory services that assist participants in tech prep programs; and~~

12 ~~(8) coordinate with activities conducted under title I.~~

13 ~~(d) Additional Authorized Activities.— Each tech prep program may—~~

14 ~~(1) provide for the acquisition of tech prep program equipment;~~

15 ~~(2) acquire technical assistance from State or local entities that have designed,~~
16 ~~established, and operated tech prep programs that have effectively used educational~~
17 ~~technology and distance learning in the delivery of curricula and services;~~

18 ~~(3) establish articulation agreements with institutions of higher education, labor~~
19 ~~organizations, or businesses located inside or outside the State and served by the~~
20 ~~consortium, especially with regard to using distance learning and educational technology~~
21 ~~to provide for the delivery of services and programs;~~

22 ~~(4) improve career guidance and academic counseling for participating students through~~
23 ~~the development and implementation of graduation and career plans; and~~

24 ~~(5) develop curriculum that supports effective transitions between secondary and~~
25 ~~postsecondary career and technical education programs.~~

26 ~~(e) Indicators of Performance and Accountability.—~~

27 ~~(1) In general.— Each consortium shall establish and report to the eligible agency~~
28 ~~indicators of performance for each tech prep program for which the consortium receives a~~
29 ~~grant under this title. The indicators of performance shall include the following:~~

30 ~~(A) The number of secondary education tech prep students and postsecondary~~
31 ~~education tech prep students served.~~

32 ~~(B) The number and percent of secondary education tech prep students enrolled in the~~
33 ~~tech prep program who—~~

34 ~~(i) enroll in postsecondary education;~~

35 ~~(ii) enroll in postsecondary education in the same field or major as the secondary~~
36 ~~education tech prep students were enrolled at the secondary level;~~

37 ~~(iii) complete a State or industry recognized certification or licensure;~~

38 ~~(iv) successfully complete, as a secondary school student, courses that award~~

1 ~~postsecondary credit at the secondary level; and~~

2 ~~(v) enroll in remedial mathematics, writing, or reading courses upon entering~~
3 ~~postsecondary education.~~

4 ~~(C) The number and percent of postsecondary education tech prep students who—~~

5 ~~(i) are placed in a related field of employment not later than 12 months after~~
6 ~~graduation from the tech prep program;~~

7 ~~(ii) complete a State or industry recognized certification or licensure;~~

8 ~~(iii) complete a 2-year degree or certificate program within the normal time for~~
9 ~~completion of such program; and~~

10 ~~(iv) complete a baccalaureate degree program within the normal time for~~
11 ~~completion of such program.~~

12 ~~(2) Number and percent.—For purposes of subparagraphs (B) and (C) of paragraph (1),~~
13 ~~the numbers and percentages shall be determined separately with respect to each clause~~
14 ~~of each such subparagraph.~~

16 ~~SEC. 204. [20 U.S.C. 2374] CONSORTIUM APPLICATIONS.~~

17 ~~(a) In General.—Each consortium that desires to receive a grant under this title shall submit~~
18 ~~an application to the eligible agency at such time and in such manner as the eligible agency~~
19 ~~shall require.~~

20 ~~(b) Plan.—Each application submitted under this section shall contain a 6-year plan for the~~
21 ~~development and implementation of tech prep programs under this title, which plan shall be~~
22 ~~reviewed after the second year of the plan.~~

23 ~~(c) Approval.—The eligible agency shall approve applications under this title based on the~~
24 ~~potential of the activities described in the application to create an effective tech prep~~
25 ~~program.~~

26 ~~(d) Special Consideration.—The eligible agency, as appropriate, shall give special~~
27 ~~consideration to applications that—~~

28 ~~(1) provide for effective employment placement activities or the transfer of students to~~
29 ~~baccalaureate or advanced degree programs;~~

30 ~~(2) are developed in consultation with business, industry, institutions of higher education,~~
31 ~~and labor organizations;~~

32 ~~(3) address effectively the issues of school dropout prevention and reentry, and the needs~~
33 ~~of special populations;~~

34 ~~(4) provide education and training in an area or skill, including an emerging technology,~~
35 ~~in which there is a significant workforce shortage based on the data provided by the~~
36 ~~eligible entity in the State under section 118;~~

37 ~~(5) demonstrate how tech prep programs will help students meet high academic and~~
38 ~~employability competencies; and~~

1 ~~(6) demonstrate success in, or provide assurances of, coordination and integration with~~
2 ~~eligible recipients described in part C of title I.~~

3 ~~(e) Performance Levels.—~~

4 ~~(1) In general.—Each consortium receiving a grant under this title shall enter into an~~
5 ~~agreement with the eligible agency to meet a minimum level of performance for each of~~
6 ~~the performance indicators described in sections 113(b) and 203(e).~~

7 ~~(2) Resubmission of application; termination of funds.—An eligible agency—~~

8 ~~(A) shall require consortia that do not meet the performance levels described in~~
9 ~~paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency~~
10 ~~for a tech prep program grant; and~~

11 ~~(B) may choose to terminate the funding for the tech prep program for a consortium~~
12 ~~that does not meet the performance levels described in paragraph (1) for 3~~
13 ~~consecutive years, including when the grants are made on the basis of a formula~~
14 ~~determined by the eligible agency.~~

15 ~~(f) Equitable Distribution of Assistance.—In awarding grants under this title, the eligible~~
16 ~~agency shall ensure an equitable distribution of assistance between or among urban and rural~~
17 ~~participants in the consortium.~~

18
19 ~~SEC. 205. [20 U.S.C. 2375] REPORT.~~

20 ~~Each eligible agency that receives an allotment under this title annually shall prepare and submit~~
21 ~~to the Secretary a report on the effectiveness of the tech prep programs assisted under this title,~~
22 ~~including a description of how grants were awarded within the State.~~

23
24 ~~SEC. 206. [20 U.S.C. 2376] AUTHORIZATION OF~~
25 ~~APPROPRIATIONS.~~

26 ~~There are authorized to be appropriated to carry out this title such sums as may be necessary for~~
27 ~~fiscal year 2007 and each of the 5 succeeding fiscal years.~~

28
29 **TITLE III—GENERAL PROVISIONS**

30
31 **PART A—FEDERAL ADMINISTRATIVE PROVISIONS**

32
33 **SEC. 2113~~11~~. [20 U.S.C. 2391] FISCAL REQUIREMENTS.**

34 (a) Supplement Not Supplant.—Funds made available under this Act for career and technical
35 education activities shall supplement, and shall not supplant, non-Federal funds expended to

1 carry out career and technical education activities ~~and tech prep program activities.~~

2 (b) Maintenance of Effort.—

3 (1) Determination.—

4 (A) In general.— Except as provided in subparagraph (B), (C), or (D), in order for a
5 State to receive its full allotment of funds under this Act for any fiscal year, the
6 Secretary must find that the State’s fiscal effort per student, or the aggregate
7 expenditures of such State, with respect to career and technical education for the
8 preceding fiscal year was not less than the fiscal effort per student, or the aggregate
9 expenditures of such State, for the second preceding fiscal year. ~~Except as provided in~~
10 ~~subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal~~
11 ~~year to a State for career and technical education programs or tech prep programs~~
12 ~~unless the Secretary determines that the fiscal effort per student or the aggregate~~
13 ~~expenditures of such State for career and technical education programs for the fiscal~~
14 ~~year preceding the fiscal year for which the determination is made, equaled or~~
15 ~~exceeded such effort or expenditures for career and technical education programs for~~
16 ~~the second fiscal year preceding the fiscal year for which the determination is made.~~

17 (B) Computation.—In computing the fiscal effort or aggregate expenditures pursuant
18 to subparagraph (A), the Secretary shall, at the request of the State, exclude
19 competitive or incentive-based programs established by the State, capital
20 expenditures, special one~~1~~-time project costs, and the cost of pilot programs.

21 (C) Decrease in federal support.—If the amount made available for career and
22 technical education programs under this Act for a fiscal year is less than the amount
23 made available for career and technical education programs under this Act for the
24 preceding fiscal year, then the fiscal effort per student or the aggregate expenditures
25 of a State required by subparagraph (A) for the preceding fiscal year shall be
26 decreased by the same percentage as the percentage decrease in the amount so made
27 available.

28 (D) Establishing the State baseline.—For purposes of applying subparagraph (A) for
29 years which require the calculation of the State’s fiscal effort per student, or
30 aggregate expenditures of such State, with respect to career and technical education
31 for the first full fiscal year following the date of enactment of the Strengthening
32 Career and Technical Education for the 21st Century Act, the State may determine the
33 State’s fiscal effort per student, or aggregate expenditures of such State, with respect
34 to career and technical education for such first full fiscal year by—

35 (i) continuing to use the State’s fiscal effort per student, or aggregate expenditures
36 of such State, with respect to career and technical education, as was in effect on
37 the day before the date of enactment of the Strengthening Career and Technical
38 Education for the 21st Century Act; or

39 (ii) establishing a new level of fiscal effort per student, or aggregate expenditures
40 of such State, with respect to career and technical education, which is not less
41 than 95 percent of the State’s fiscal effort per student, or the aggregate
42 expenditures of such State, with respect to career and technical education for the
43 preceding fiscal year.

1 (2) Failure to meet.—

2 (A) In general.—The Secretary shall reduce the amount of a State’s allotment of
3 funds under this Act for any fiscal year in the exact proportion by which the State
4 fails to meet the requirement of paragraph (1) by falling below the State’s fiscal effort
5 per student or the State’s aggregate expenditures (using the measure most favorable to
6 the State), if the State failed to meet such requirement (as determined using the
7 measure most favorable to the State) for 1 or more of the 5 immediately preceding
8 fiscal years.

9 (B) Special rule. – No such lesser amount shall be used for computing the effort
10 required under paragraph (1) for subsequent years.

11 ~~(32) Waiver.—The Secretary may waive paragraph (2) due to exceptional or~~
12 ~~uncontrollable circumstances affecting the ability of the State to meet the requirement of~~
13 ~~paragraph (1) such as a natural disaster or an unforeseen and precipitous decline in~~
14 ~~financial resources. No level of funding permitted under such a waiver may be used as~~
15 ~~the basis for computing the fiscal effort or aggregate expenditures required under this~~
16 ~~section for years subsequent to the year covered by such waiver. The fiscal effort or~~
17 ~~aggregate expenditures for the subsequent years shall be computed on the basis of the~~
18 ~~level of funding that would, but for such waiver, have been required.~~~~The Secretary may~~
19 ~~waive the requirements of this section, with respect to not more than 5 percent of~~
20 ~~expenditures by any eligible agency for 1 fiscal year only, on making a determination that~~
21 ~~such waiver would be equitable due to exceptional or uncontrollable circumstances~~
22 ~~affecting the ability of the eligible agency to meet such requirements, such as a natural~~
23 ~~disaster or an unforeseen and precipitous decline in financial resources. No level of~~
24 ~~funding permitted under such a waiver may be used as the basis for computing the fiscal~~
25 ~~effort or aggregate expenditures required under this section for years subsequent to the~~
26 ~~year covered by such waiver. The fiscal effort or aggregate expenditures for the~~
27 ~~subsequent years shall be computed on the basis of the level of funding that would, but~~
28 ~~for such waiver, have been required.~~

29
30 **SEC. ~~212312~~. [20 U.S.C. 2392] AUTHORITY TO MAKE**
31 **PAYMENTS.**

32 Any authority to make payments or to enter into contracts under this Act shall be available only
33 to such extent or in such amounts as are provided in advance in appropriation Acts.

34
35 **SEC. ~~213313~~. [20 U.S.C. 2393] CONSTRUCTION.**

36 Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal
37 control over any aspect of a private, religious, or home school, regardless of whether a home
38 school is treated as a private school or home school under State law. This section shall not be
39 construed to bar students attending private, religious, or home schools from participation in
40 programs or services under this Act.

1 SEC. ~~214314~~. [20 U.S.C. 2394] VOLUNTARY SELECTION
2 AND PARTICIPATION.

3 No funds made available under this Act shall be used—

4 (1) to require any secondary school student to choose or pursue a specific career path way
5 or program of study ~~or major~~; or

6 (2) to mandate that any individual participate in a career and technical education
7 program, including a career and technical education program that requires the attainment
8 of a federally funded skill level, standard, or certificate of mastery.

9
10 SEC. ~~215315~~. [20 U.S.C. 2395] LIMITATION FOR CERTAIN
11 STUDENTS.

12 No funds received under this Act may be used to provide career and technical education
13 programs or programs of study to students prior to the ~~seventh grade~~ middle grades (as such term
14 is defined in section 8101 of the Elementary and Secondary Education Act of 1965), except that
15 equipment and facilities purchased with funds under this Act may be used by such students.

16
17 SEC. ~~216316~~. [20 U.S.C. 2396] FEDERAL LAWS
18 GUARANTEEING CIVIL RIGHTS.

19 Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting
20 discrimination on the basis of race, color, sex, national origin, age, or disability in the provision
21 of Federal programs or services.

22
23 SEC. ~~217317~~. [20 U.S.C. 2397] PARTICIPATION OF
24 PRIVATE SCHOOL PERSONNEL AND CHILDREN.

25 (a) Personnel.—An eligible agency or eligible recipient that uses funds under this Act for in-
26 service and preservice career and technical education professional development programs for
27 career and technical education teachers, administrators, and other personnel shall, to the
28 extent practicable, upon written request, permit the participation in such programs of career
29 and technical education secondary school teachers, administrators, and other personnel in
30 nonprofit private schools offering career and technical secondary education programs located
31 in the geographical area served by such eligible agency or eligible recipient.

32 (b) Student Participation.—

33 (1) Student participation.—Except as prohibited by State or local law, an eligible
34 recipient may, upon written request, use funds made available under this Act to provide
35 for the meaningful participation, in career and technical education programs and
36 activities, including programs of study, receiving funding under this Act, of secondary

1 school students attending nonprofit private schools ~~who reside in the geographical areas~~
2 served by the eligible recipient.

3 (2) Consultation.—An eligible recipient shall consult, upon written request, in a timely
4 and meaningful manner with representatives of nonprofit private schools in ~~the~~
5 ~~geographical areas~~ served by the eligible recipient described in paragraph (1) regarding
6 the meaningful participation, in career and technical education programs and activities,
7 including programs of study, receiving funding under this Act, of secondary school
8 students attending nonprofit private schools.

9
10 **SEC. ~~318~~218.** [20 U.S.C. 2398] **LIMITATION ON FEDERAL**
11 **REGULATIONS.**

12 The Secretary may issue regulations under this Act only to the extent necessary to administer and
13 ensure compliance with the specific requirements of this Act.

14
15 **SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED**
16 **TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.**

17 (a) Scope of Study.—The Comptroller General of the United States shall conduct a study to
18 evaluate—

19 (1) the strategies, components, policies, and practices used by eligible agencies or eligible
20 recipients receiving funding under this Act to successfully assist—

21 (A) all students in pursuing and completing programs of study aligned to high-skill,
22 high-wage occupations; and

23 (B) any special population or specific subgroup of students identified in section
24 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 in
25 pursuing and completing programs of study aligned to high-skill, high-wage
26 occupations in fields in which such special population or subgroup is
27 underrepresented; and

28 (2) any challenges associated with replication of such strategies, components, policies,
29 and practices.

30 (b) Consultation.—In carrying out the study conducted under subsection (a), the Comptroller
31 General of the United States shall consult with a geographically diverse (including urban,
32 suburban, and rural) representation of—

33 (1) students and parents;

34 (2) eligible agencies and eligible recipients;

35 (3) teachers, faculty, specialized instructional support personnel, and paraprofessionals,
36 including those with expertise in preparing career and technical education students for
37 non-traditional fields;

38 (4) Indian Tribes and Tribal organizations;

1 (5) special populations; and

2 (6) representatives of business and industry.

3 (c) Submission.—Upon completion, the Comptroller General of the United States shall
4 submit the study conducted under subsection (a) to the Committee on Education and the
5 Workforce of the House of Representatives and the Committee on Health, Education, Labor,
6 and Pensions of the Senate.

7
8 **PART B—STATE ADMINISTRATIVE PROVISIONS**

9
10 **SEC. ~~221321~~. [20 U.S.C. 2411] JOINT FUNDING.**

11 (a) General Authority.—Funds made available to eligible agencies under this Act may be
12 used to provide additional funds under an applicable program if—

13 (1) such program otherwise meets the requirements of this Act and the requirements of
14 the applicable program;

15 (2) such program serves the same individuals that are served under this Act;

16 (3) such program provides services in a coordinated manner with services provided under
17 this Act; and

18 (4) such funds are used to supplement, and not supplant, funds provided from non-
19 Federal sources.

20 (b) Applicable Program.—For the purposes of this section, the term “applicable program”
21 means any program under any of the following provisions of law:

22 (1) Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity
23 Act.

24 (2) The Wagner-Peyser Act.

25 (c) Use of Funds as Matching Funds.—For the purposes of this section, the term “additional
26 funds” does not include funds used as matching funds.

27
28 **SEC. ~~222322~~. [20 U.S.C. 2412] PROHIBITION ON USE OF**
29 **FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF**
30 **BUSINESSES.**

31 No funds provided under this Act shall be used for the purpose of directly providing incentives
32 or inducements to an employer to relocate a business enterprise from one State to another State if
33 such relocation will result in a reduction in the number of jobs available in the State where the
34 business enterprise is located before such incentives or inducements are offered.

1 SEC. ~~223323~~. [20 U.S.C. 2413] STATE ADMINISTRATIVE
2 COSTS.

3 (a) General Rule.—Except as provided in subsection (b), for each fiscal year for which an
4 eligible agency receives assistance under this Act, the eligible agency shall provide, from
5 non-Federal sources for the costs the eligible agency incurs for the administration of
6 programs under this Act, an amount that is not less than the amount provided by the eligible
7 agency from non-Federal sources for such costs for the preceding fiscal year.

8 (b) Exception.—If the amount made available from Federal sources for the administration of
9 programs under this Act for a fiscal year (referred to in this section as the “determination
10 year”) is less than the amount made available from Federal sources for the administration of
11 programs under this Act for the preceding fiscal year, then the amount the eligible agency is
12 required to provide from non-Federal sources for costs the eligible agency incurs for the
13 administration of programs under this Act for the determination year under subsection (a)
14 shall bear the same ratio to the amount the eligible agency provided from non-Federal
15 sources for such costs for the preceding fiscal year, as the amount made available from
16 Federal sources for the administration of programs under this Act for the determination year
17 bears to the amount made available from Federal sources for the administration of programs
18 under this Act for the preceding fiscal year.

19
20 SEC. ~~224324~~. [20 U.S.C. 2414] STUDENT ASSISTANCE
21 AND OTHER FEDERAL PROGRAMS.

22 (a) Attendance Costs Not Treated as Income or Resources.—The portion of any student
23 financial assistance received under this Act that is made available for attendance costs
24 described in subsection (b) shall not be considered as income or resources in determining
25 eligibility for assistance under any other program funded in whole or in part with Federal
26 funds.

27 (b) Attendance Costs.—The attendance costs described in this subsection are—

28 (1) tuition and fees normally assessed a student carrying an academic workload as
29 determined by the institution, and including costs for rental or purchase of any
30 equipment, materials, or supplies required of all students in that course of study; and

31 (2) an allowance for books, supplies, transportation, dependent care, and miscellaneous
32 personal expenses for a student attending the institution on at least a half-time basis, as
33 determined by the institution.

34 (c) Costs of Career and Technical Education Services.—Funds made available under this Act
35 may be used to pay for the costs of career and technical education services required in an
36 individualized education program developed pursuant to section 614(d) of the Individuals
37 with Disabilities Education Act and services necessary to meet the requirements of section
38 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and
39 technical education.

40

1 **TITLE III—AMENDMENTS TO OTHER LAWS**

2
3 **SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER**
4 **ACT.**

5 Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)) is amended—

6 (1) by striking subparagraph (B) and inserting the following:

7 “(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career
8 and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies,
9 and local educational agencies concerning the provision of workforce and labor
10 market information in order to—

11 “(i) meet the needs of secondary school and postsecondary school students who
12 seek such information; and

13 “(ii) annually inform the development and implementation of programs of study
14 defined in section 3 of the Carl D. Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2302), and career pathways;”;

16 (2) in subparagraph (G), by striking “and” after the semicolon;

17 (3) in subparagraph (H), by striking the period at the end and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(I) provide, on an annual and timely basis to each eligible agency (defined in section
20 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.
21 2302)), the data and information described in subparagraphs (A) and (B) of
22 subsection (a)(1).”

23
24 **SEC. 302. AMENDMENTS TO THE ELEMENTARY AND**
25 **SECONDARY EDUCATION ACT OF 1965.**

26 (1) Section 1111(h)(1)(C)(xiv) of the Elementary and Secondary Education Act of 1965 (20
27 U.S.C. 6311(h)(1)(C)(xiv)) is amended by striking “attaining career and technical
28 proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical
29 Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner
30 consistent with section 113(c) of such Act (20 U.S.C. 2323(c))” and inserting “meeting State
31 determined levels of performance for core indicators, as defined by section 113(b)(3)(A) of
32 the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)(3)(A)),
33 and reported by states only in a manner consistent with section 113(b)(3)(C) of such Act (20
34 U.S.C. 2323(b)(3)(C))”.

35 (2) Section 6115(b)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
36 7425(b)(6) is amended by striking “tech-prep education, mentoring,” and inserting
37 “mentoring”.

1 (3) Section 6304(a)(3)(K) of the Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 7544(a)(3)(K)) is amended by striking “tech-prep.”.

3
4 **SEC. 303. AMENDMENTS TO THE WORKFORCE**
5 **INNOVATION AND OPPORTUNITY ACT.**

6 Section 134(c)(2)(A)(vii) of the Workforce Innovation and Opportunity Act (29 U.S.C.
7 3174(c)(2)(A)(vii)) is amended by striking “school dropouts” and inserting “out-of-school
8 youth”.

DRAFT